By Clement Walker
16 Cliff Street

RELATIONS
AND
OBSERVATIONS,
HISTORICAL and POLITICK,
upon the PARLIAMENT
begun *Anno Dom.* 1640.

Divided into II. *Books:*

1. *The Mystery of the two Iuntoes,* Presbyterian *and* Independent.
2. *The History of* Independency, *&c.*

TOGETHER WITH
An APPENDIX, touching the proceedings of the *Independent Faction* in *SCOTLAND.*

by Da. Fo

POLIT.
Historici est, Ne quid falsi, audeat dicere:
Ne quid veri, non audeat.
HORAT.
Spe, Metuque procul.

Printed in the Year, 1648.

THEOLOGICAL LIBRARY
SCHOOL OF THEOLOGY
AT CLAREMONT
CALIFORNIA

To my dread Sovereign.

Royal Sir,

You have Drunk deep in the Cup of affliction; and we all have Pledged you; it is wholsome, though bitter: but let us pray to God to remove this Cup in time, for the dregs and lees are poyson. You have learned by over-winding the strings of Authority, how to tune the People of this Monarchy, without breaking their Patience hereafter. Most Princes desire unlimited power, which is a sail too great for any Vessel of Mortality to bear; though it be never so well Ballasted with Justice, Wisdom, Moderation, and Piety, yet one flarb or other will endanger the over-setting it. Those Commonwealths are most stable and pleasing where the *State is so mixed* that every man (according to his degree and capacity) hath some *interest* therein to content him. *The KING, Sovereign Command and Power; The Nobility and Gentry, a derivative Authority and Magistracy;* and *all enjoy their Laws, Liberties, and Properties.* God hath cursed him that removeth the Bound-marks of his Neighbour: this is a comprehensive Curse, Kings enlarging their Prerogatives beyond their limits, are not excepted from it. You may be pleas'd to take heed therfore of two sorts of men, most likely to mis-lead you in this point, Ambitious Lawyers, who teach the Law to speak, not what the Legislators meant, but what you shall seem to desire: To avoid this snare, suffer your Parliament to nominate 3 men for every Judges place, out of which you may please to choose one, as in pricking of Sheriffs. For it is the people that are obnoxious to their wickedness, you are above the reach of their malice. The second sort is *Parasitical Divines*: These Ear-wigs

are allways hovering in Princes Courts, hanging in their ears. They take upon them to make Princes beholding to their violent wresting of the text, to bestow upon them whatever Prerogative the Kings of *Juda* and *Israel* used or usurped; as if the judicials of *Moses* where appointed by God for all Commonwealths, all Kings: as a good Bishoprick or Living is fit for every Priest that can catch it. These men having their best hopes of preferment from Princes, make Divinity to be but *Organon Politicum*, an instrument of Government; and harden the hearts of Princes, *Pharaoh-like*: Kings delight to be tickled by such venerable, warrantable flattery. Sir, you have more means to prefer them than other men, therfore they apply themselves more to you than other men do. *Tu facis hunc Dominum, Te facit ille Deum.* The King makes the poor Priest a Lord, and rather than he will be behind with the King in courtesie, he will flatter him above the condition of a Mortal, and make Him a God Royal. *Sir*, permit me to give you this Antidote against this poyson; let an Act be passe, *That all such Divines, as either by Preaching, writing, or discoursing, shall advance your Prerogative and Power above the known Laws and Liberties of the Land, Forfeit all his Ecclesiastical preferments* ipso facto, *and be incapable ever after, and for ever banished your Court.* But above all, learn to trust in your Judgment: *Plus aliis de te quam tu tibi credere noli*: God hath enabled you to remember things past, to observe things present, and by comparing them together, to conjecture things to come; which are the three parts of Wisdom that will much honour and advantage you: God keep your Majesty; so prays

Your humble Subject,

THEOPH. VERAX.

To

To his Excellency Sir THOMAS FAIRFAX, and the ARMY under his Command.

MY Lord and Gentlemen, I have here by way of *Preparation* laid open to your view, those *Ulcers* which you have undertaken to *cure*, viz. The 2 *Factions in Parliament*, Authors of *Schismes* and *Divisions* in the two *Houses*, from whence they are derived to the whole Kingdom, to *the obstructing of justice*, and of the *establishment* of our *Laws*, *Rights*, *Liberties*, and *Peace*; *the enslaving of the Parliament* it self, and the *dilapidating of the Publick Treasure*: whereby the *whole Kingdom* may be *enfranchised, secured, and united*; and *the King and His Posterity setled in His due Rights*; which is the sum of all your undertakings in your many reiterated Papers. I confess a *Herculean* labour, and far beyond his clensing of the *Augæan* Stable; That was performed *by an Arm of Flesh*, this cannot be effected *without an extraordinary calling* (for *ordinary calling thereto* you have none, and God seldome blesseth a man *out of his calling*) and though an *heroick heat and zeal* may go far, yet *it will tire many miles on this side the work, unless it be blown and inspired with divine breath*. And as *Alchymists* say of the *Philosophers Stone*, so I of this work (which is the *Philosophers Stone* in our *English Politicks*) *it cannot be effected but by a man of wonderfull and unspotted Integrity and Innocency; free from all Fraud, Self-seeking, and Partiality*. In order to this great work you have already begun to sift and winnow the *House of Commons*, by *charging* 11 *Presbyterian Grandees*; who, if they be proved *guilty*, must needs have their *counterpanes equally faulty*, even to a syllable, in the opposite *Junto of Independents*; for when two *factions* shall conspire to toss and keep up the *golden ball* of *Government*, *Profit* and *Preferment*

ment between them, neither can be innocent; unless therefore you apply your corrasive to one *Ulcer* as well as the other, you will never work a compleat cure, *Nor will be free from scandal and appearance of faction or design* (that I may use your own words) *to weaken only one party* (under the notion of unjust or oppressive) *that you may advance another more than your own.* Besides, it is observed, that you speak but coldly to have *the Publick accounts of the Kingdom Stated*; putting it off with a wish only, as if you did secretly fear, what the Presbyterians openly say; *That the Independents are guilty of more Millions than their party*: your own words are, *We could wish the Kingdom might both be righted and publickly satisfied in point of Accounts for the vast sums that have been Leavied; as also for many other things, &c. But we are loath to press any thing that may lengthen disputes.* Are so many Millions to be cursorily passed over without dispute? were they not the blood and tears of the exhausted people, and the milk of their Babes? are they not like *Achan's* wedge amongst us? would it not much ease the people of burthens, and go far in the payment of Souldiers and publick debts, to have both the *Kings* and the *Parliaments Sponges* (of what party and profession soever) squeezed into the common Treasury whensoever the Commonwealth settles? Review this clause well, and as the Parliament hath altered some Votes for you, so do you alter this clause for the people, who long not only to see the Kingdom, but also our new-made Gentlemen *in statu quo prius*. Gentlemen, you that will give Counsel will take it, without offence, against him that dares lay as good claim to justice and honesty as your selves.

presenta-
n. p. 6.
t. 2.

4. sect. 7.

THEODORUS VERAX.

The

The Mystery of the Two Juntoes, *Presbyterian* and *Independent*, with some Additions.

THe Kingdom being overgrown with *Prerogative*, *Corruption*, and *Superstition*, (the fruits of a long and lazie peace) by a long discontinuance of Parliaments; at last by Providence his Majesty was necessitated to call a Parliament, the only College of Physicians to purge the much distempered body of the Commonwealth.

In this Parliament a contest between the *Kings Prerogative*, and *the Peoples Laws and Liberties* begat a War, The *Divines* on both sides, out of their Pulpits, sounding Alarum thereto; and not only *Sermons*, but *Declarations of Parliament*, and the *National Covenant*, holding forth to the people the defence of Religion, Laws, Liberties, and Properties inflamed the people to the rage of battel, as the Elephant is enraged at the sight of Red. This War occasioned extraordinary Taxes and Levies of money, such as were never heard of by our Ancestours, and were *Irritamenta malorum*, the nurse of our corruptions.

This incentive working upon the humane frailty of the speaking and leading Members of the Houses, caused them first to inter- *Grand*
weave their particular interests and ambitions with the publick, and lastly to prefer them before the publick.

Wherfore the said *Leading men* or *Grandees* (for that is now Parliament language) First divided themselves into *two factions* or *Jun- Factio*
toes, *Presbyterians* and *Independents*; seeming to look only upon the Church, but Religion having the strongest operation upon the spirit of man) involved the interests of the Commonwealth.

The common people of the two Houses following (with an implicite faith and blind obedience) the example of their leaders, divided themselves also into the said Dichotomy; which they did with more seriousness than their leaders, as not perceiving any thing of design therein; but according to the diversity of their judgments, or rather fancies and conceidings (for to resign a

mans

mans judgment to the opinion of another man is but a silly trust and confidence) studied the upholding of their parties with earnestness, whilst the *Grandees* of each party in private cloze together for their own advancement, serving one anothers turn.

6 The *Grandees* (in all publick debates) seem as real in their reciprocal oppositions, as those silly ones who are in earnest, whereby they cherish the zeal of their respective parties, keep them still divided, (*Divide & impera* is the Devils rule) and so amuse them, and take them off from looking after other interests, in which, were they conjoyned, they might share with the *Grandees* themselves: and for the better contentment of such their Confidents as look too intentively after their own gain, the *Grandees* of each *Iunto* confer something of advantage upon those that are subservent unto them, as five pounds a week, or some petty imployment.

7 The seeds of these factions spread themselves into the Commonwealth and Armies, as a Rheum distils from the head into all the body.

8 *Monopolizing Profits and preferments,* Thus the Leading men or Bel-weathers having *seemingly divided themselves*, and having *really divided the Houses*, and captivated their respective parties judgment, teaching them by an Implicite faith, *Iurare in verba Magistri*, to pin their opinions upon their sleeves; they begin to advance their projects of Monopolizing the profits, preferments, and power of the Kingdom in themselves. To which purpose, though the leaders of each party seem to maintain a hot opposition, yet when any profit or preferment is to be reached at, it is observed that a powerfull Independent especially moves for a Presbyterian, or a leading Presbyterian for an Independent; and seldom doth one oppose or speak against another, in such cases, unless something of particular spleen or Competition come between, which causeth them to break the common Rule. By this means the *Grandees* of each faction seldom miss their mark, since an Independent moving for a Presbyterian, his reputation carries the business clear with the Independent party; and the Presbyterians will not oppose a leading man of their own side. By this artifice the *Grandees* of each side share the Commonwealth between them; and are now become proud, domineering *Rehoboams*, even over the rest of their

fellow

fellow Members, contrary to the liberty of Parl. which consists in an equality) that were formerly fawning ambitious *Absoloms*.

There hath been lately given away to Members openly (besides innumerable and inestimable private cheats mutually connived at) at least 300000l. in money, besides rich Offices, Imployments in money Committees, Sequestrations, and other advantages. And those Members who have so well served themselves, under colour of serving the publick, are, for the most part, old Canvalers of Factions, who have sate idely and safely in the House, watching their advantages to confound businesses, and shuffle the cards to make their own game, when others that have ventured their persons abroad, labour'd in the publick work, like *Israelites* under these *Ægyptian* task-masters, and lost their estates, are left to starve untill they can find relief in that empty bag called by fools, *fides Publica*, by wise men, *fides Punica*, and are now looked upon in the House superciliously, like unwelcome guests, for it is known how malignantly, and how juglingly writs for new Elections were granted and executed, and called *younger brothers*, and like younger brothers they are used, their elder brothers having slipped into the World before them, and anticipated the inheritance; they have broken first into the common field, and shut the door to prevent after commers even from gleaning after their full harvest, for the better effecting whereof, they have now morgaged, in effect, all the means they have to raise money, unto the City, and being themselves fat and full with the publick Treasure, to express rather their scorn than care, they are making an Ordinance that no more money shall be given to their Members, and yet to shew how carefull they are of all such as have *cheated* the Commonwealth *under them*, I will not say *for them*, they have taken advantage of the Petition of the Army, wherein they desire Indempnity for all acts done in Relation to the War, and have passed an Ordinance of Indempnity for all such as have acted by *Authority*, and *for the service* of the Parliament, wherein, under great penalties, and with an appeal at last from the Judges of the Law to a Committee of Parliament, such as have gone beyond the Authority given by Parliament and sequestred men unjustly, and so withheld their goods under pretence thereof, and such as have leavied Taxes three or

four times over, are quit from private actions, and the benefit of Law and Justice taken from the oppressed, to secure *Country Committees*, *Sequestrators* and others (not *Prerogative* but *Legislative*) *Theeves*, contrary to *Magna Charta*, which says, *nulli negabimus, nulli differemus justitiam, aut rectum*; We will deny, nor defer justice and right to no man. Oh prodigious acts, & of greater Tyranny than any King ever durst adventure upon. What is become of our National Covenant, and the Parliaments many Declarations for defence of Laws and Liberty? Or have we fought our Liberty into slavery? By these devices the *honest midale men* of the House (whose Consciences will not let them joyn in any faction to rend the Commonwealth in sunder) are out of all possibility of repair, and made contemptible as well by their own wants, as the pride of the *Grandees*: and in the end, their poverty will enforce them to leave the sole possession of the House to these *thriving Junto men*, who do beleaguer them therein, making them (for farther addition to their losses) pay all taxes, from which the thriving men go free: so that the poorer part of the House pays tribute to the richer. Nay it is farther whispered, that at last the *Junto men* will quit the Parliament Privilege of not being sued, purposely to leave these younger Brothers to the mercy of their Creditors, and disable them to sit in their House.

16. *Committees of the Houses.*

Another ambitious aym of those *Junto men* is, their devise of referring all businesses of moment *to Committees*. For the active speaking men by mutual agreement naming one another of every Committee (or at least their confident Minisers) do thereby *fore-stall and intercept* the businesses of the House, and under colour of examining and preparing matters, they report them to the House with what glosses, additions, detractions, and advantages they please; whereby the House (judging according to their report) oftentimes mis-judgeth, and if it be a business they are willing to smother, the Committees have infinite artificial delays to put it off, and keep it from a hearing, or at least from reporting. By this means the remaining part of the House are but Cyphers to value; and Suffragans to ratifie what is forejudged by the said Committees. This usurpation of theirs is much helped by keeping the doors of their Committee-rooms shut, and dispatching all affairs privately and in the dark; whereas Justice de-

delights in the light, and ought to be as publick as the common air, it being againſt its nature to be Chambred up, and kept from the obſervation of eye, and ear witneſſes.

And by their examining of men againſt themſelves, contrary to *Magna Charta*, they much enlarge their power.

Parts of this project we may well call the *Multiplicity of money Committees*, as Goldſmiths hall, Haberdaſhers hall, the Committee of the Kings Revenues, Committee of the Army, &c. Where every mans profit and power is according to his cunning and conſcience. Hereby they draw a general dependency after them, for he that commands the money, commands the men. Theſe Committee-men are ſo powerfull that they over-awe and over-power their fellow Members, contrary to the nature of a free-Parliament; wherein the equality of the Members muſt maintain the freedom and integrity thereof, and ſuppreſs factions. 11 *Money Committees.*

The like may be ſaid of ſuch *Members as* (in ſcorn of the *ſelf-denying Ordinances*) *hold Offices by gift or connivence* of the Parliament, either openly in their own name, or ſecretly in the name of ſome friend. Their offices inabling them to do courteſies and diſcourteſies. And although there hath been a Committee appointed to certifie all penſions, ſequeſtrations, offices, imployments of advantage and profits conferred by the Parliament upon any their Members, in which Committee Mr. *Sands* holdeth the chair; yet is this meerly a formality to blind the eys of the World, and fool the expectation of ſome loſing Members, who were then reſolute to know who had already received ſatiſfaction for their loſſes, and how far they had out-run their fellow Members therein. Yet this Committee is now let fall, no reports demanded of Mr. *Sands*, and when any is to be made, they are not unprovided of a means to make it fruitleſs, by putting every particular to debate; well knowing, that no man will be willing to argue againſt the particular perſons and merits of his fellow Members, and thereby heap envy upon his own head, beſides the delay of a particular debate. 12 *Members holding Offices, &c.*

How frequently the *Countrie Committees* act contrary to the Laws of the Land; how they trample *Magna Charta* under their feet; how boldly and avowedly they tranſgreſs all Orders and 13 *Country Committees*

Ordinances of Parliament, and break our Solemn League and Covenant; how they ordinarily turn well-affected men out of their free-holds and goods, impriſon and beat their Perſons, without any known charge, accuſer, or witneſs againſt them; nay murther them, as in the caſe of Doctor *Rawleygh* killed in priſon at *Welles* by the Committees Marſhal; and the poor men murthered at *Bridgwater*, whoſe bloods were ſhed like the blood of a dog, and no real proſecution thereof; how frequently they leavy one Tax three or four times over, and continue their leavies after the Ordinance expire, How cruelly they raiſe the twentieth and fifth part upon the well-affected, exerciſing an illegal, arbitrary, tyrannical power over their fellow Subjects, far higher than ever *Strafford* or *Canterbury* durſt adviſe the King to; how ignorantly and unjuſtly they exerciſe a power *to hear and determine*, or rather to determine without hearing, or hear without underſtanding, *private controverſies of Meum & Tuum for debts, treſpaſſes*, nay *Title and poſſeſſion of Lands*, without either formality or knowledge of the Law, not having wit, manners, nor breeding enough, as being choſen for the greateſt part, out of the baſeſt of the People, for baſe ends, to ſatisfie men with an outſide, or Complement of juſtice: Inſomuch that nothing is now more Common, than an accuſation without an accuſer, a ſentence without a Judge, and a condemnation without a hearing. How they exclude all other Magiſtracy, ingroſſing to themſelves the power of Sheriffs, Iuſtices of Peace, Church-wardens, &c. in an Arbitrary way; keeping Troops of Horſe, upon pay and free-quarter for their guards, like the 30 Tyrants of *Athens*, and if any man but ſpeak of calling them to give an account, they preſently vote him a Delinquent, and Sequeſter him. If any man, I ſay, be ſo deaf as not to hear the loud univerſal out-crying of the people, ſo great a ſtranger in our Iſrael, as not to know theſe truthes, let him peruſe M. *Eawgrd Kings* diſcovery of the arbitrary actions of the Committee of *Lincoln*, and the heads of Grievances of *Glamorganſhire*, printed 1647. where he may ſee theſe things briefly Epitomized; but to Hiſtorize them at large would require a volume as big as the book of *Martyrs*. Theſe Committees are excellent ſpunges to ſuck money from the people, and to ſerve not only their own, but alſo the Covetous, Malicious,

licious, Ambitious ends, of those that raked them out of the dunghill for that imployment, and do defend them in their oppressions; who is so blind as not to see these men have their protectors? the *Damones* to whom they offer up part of their rapins, to whom they sacrifise

Occulta spolia, & plures de pace Triumphos.

If there be any intention to restore our Laws and Liberties, and free us from Arbitrary Government, it is fit these Committees and all associations be laid down, having no enemy to associate against, and that the old form of Government by Sheriffs, Justices of the Peace, &c. be re-established, and the Militia in each County setled as before in Lieutenants, and deputy Lieutenants, or in Commissioners.

The rather, because the people are now generally of opinion, They may as easily find Charity in Hel, as Iustice in any Cõmittee; and that the King hath taken down one Star-chamber, and the Parliament hath set up a hundred.

Nor is it a small artifice to raise money by so *many several and confused Taxes.* Whereas one or two ways orderly used and well husbanded, would have done the work. 1. Royal Subsidie of 300000 l. 2. Pole money. 3. The free Loans and Contributions upon the Publick Faith amounted to a vast incredible sum in money, Plate, Horse, Arms, &c. 4. The Irish adventure for sale of Lands the first and second time. 5. The Weekly meal 6. The City Loan after the rate of 50 Subsidies. 7. The Assessment for bringing in the Scots. 8. The five and twentith part. 9. The Weekly Assessment for my Lord Generals Army. 10. The Weekly (or Monthly) Assessment for Sir *Thomas Fairfax* Army. 11. The Weekly Assesment for the Scotch Army. 12. The Weekly Assessment for the British Army in *Ireland.* 13. The Weekly Assesment for my Lo. of *Manchesters* Army. 14. Free-quarter (at least) connived at by the State, because the Souldiers having for a time subsistence that way, are the less craving for their pay; whereby their Arrears growing stale, will at last either be frustrated by a tedious Committee of Accounts, or forgotten; in the mean time, the Grand Committee of Accounts discount it out of the Commanders Arrears, whereby the State saves it. 15. The Kings Revenue. 16. Sequestrations and Plun-

Tax

der by Committees, which if well answered to the State, would have carried on the work, which thus I demonstrate; One half of all the goods and Chattells, and (at least) one half of the Lands, Rents, and Revenues of the Kingdom have been sequestred. And who can imagin that one half of the profits and Goods of the Land will not maintain any Forces that can be kept and fed in *England*, for the defence thereof? 17. Excise upon all things; this alone if well managed would maintain the War; the Low-Countries make it almost their only support. 18. Fortification money, &c. By these several ways and Taxes, about forty *Millions* in money and money-worth have been milked from the people; and the Parliament (as the Pope did once) may call *England*, *Puteum inexhaustum*; yet it is almost drawn dry. A vast Treasure, and so excessive, as nothing but a long peace could import; and nothing but much fraud and many follies could dissipate, and we ought not to wonder if it be accounted *inter arcana novissimi imperii*, to be always making, yet never finishing an account thereof.

And as they have artificially confounded the accounts by laying on multiplicity of Taxes; so (for the same reason) they let the money run in so many muddy, obscure chanels, through so many Committees and Officers fingers, both for collecting, receiving, issuing and paying it forth, that it is impossible to make or ballance any Publick account thereof; and at least one half thereof is known to be devoured by Committees and Officers, and those that for lucre protect them. By these means, as they make many men partners with them in the publick spoyls, so they much strengthen and increase their party, whereby *multitudo peccantium tollit pœnam*.

If these things were not purposely done, 1. Our Taxes would be fewer in number, and more in effect. 2. They would be put to run in one chanel, under the fingering of fewer Harpies, and perspicuous and true Entries made of all receipts and disbursments, which would be publick to common view and examination. The Exchequer way of accounts is the exactest, antientest, and best known way of account of *England*, and most free from deceit, which is almost confessed *de facto*, when, to make the Kings Revenue more obnoxious to their desires, they took

took it out of the Exchequer way, (contrary to the fundamental Laws of the Land; for both the Higher and Lower Exchequer are as antient and fundamental as any Court in *England*) and put it under a Committee, which, as all other Committees do, will render an account of their Stewardship at the latter day. In the mean time divers of that Committee buy in old sleeping Pensions, which they pay themselves from the first of their arrears; yet other men that have disburſed money out of their purſes for the Kings Service, can receive no pay for any money laid forth before *Michaelmas* Term, 1643. becauſe (forſooth) then the Committee firſt took charge of the Revenue. In the mean time the Kings Tenants and Debtors are deprived of the benefit of the Laws and Liberties of the ſubject, which before they enjoyed; all Debts and Moneys being now raiſed by the terrour of Purſuivants and Meſſengers, whoſe Commiſſions are only to diſtrain and levy &c. whereas formerly the Exchequer ſent out legal Proceſs, and the Tenant or Debtor had liberty to plead to it in his own defence, if he thought himſelf wronged; but now New Lords, new Laws, and to countenance their doings, the Committee have gotten an addition of ſome Lords to them. 3. If there were fair play above board, ſo many Members of both Houſes would not be ambitious of the trouble and clamour that atends Task-maſters, Publicans, and ſuch ſinners as ſit at the receipt of Cuſtome, being no part of the buſineſs for which the Writ Summons, or the people chooſe or truſt them, and whereby they are diverted from the buſineſs of the Houſe: but would leave that imployment to other men, who not having the character and privilege of Parliament upon them, will be leſs able to protect themſelves and their agents from giving publick accounts of their receipts and diſburſments, and from putting affronts and delays upon the Committee of Accompts, (as it is well known) ſome of them have done. Laſtly, it is ſcandalous that the ſame men ſhould be continued ſo long in their money imployments, becauſe *Diuturnitas & ſolitudo corumpunt Imperia*; and by long continuance and experience they grow ſo hardned, ſo cunning in their way, and ſo backed with dependencies, that it is almoſt impoſſible to trace them. And although (when we look upon the many perſons imployed) we cannot ſay there is *ſolitudo perſonarum*; yet

yet when we consider that by a long partnership in their imployments they are allyed together in one common interest, they are to be esteemed but as one man, for a Corporation of men is but many men joyned together as one man, and with one mind pursuing one and the same end or interest.

16 mmittee Accounts.

And though they have a general Committee of Accompts, yet they were nominated by those Members that ought to give Accompts, and it must needs be suspitious for an Accomptant to choose those persons before whom he shall accompt. And we see (after so long a time of their sitting) no fruit thereof. Whereas the people did hope, that after so much money spent, and such great debts and arrears left to pay, (whereby they are threatned with continuance of their Taxes,) that a full and exact general accompt of all Receipts and Disbursments would have been published in Print, for their satisfaction, as is usually done in the Low-Countries, and as was once done by this Parliament, *Anno* 1641. by a Declaration of the accompts of the Kingdom.

But it may be the Synod in favour of the *Grandees*, have voted that place in Scripture (*Render an account of thy Stewardship*) to be but Apocryphal.

17 nts of the liament how oc- ned.

By these exorbitant courses, though they have drayned 40 Millions from the people, yet (as *Philip* of *Macedon* was said to be *Inter quotidianas rapinas semper inops*) they are faln to such ridiculous want and beggery, that they have lately pawned almost all the security they have, for 200000 l. to disband the Army, and enter upon the Irish imployment. They have slit Goldsmiths Hall in sunder, and given one side thereof to the City, and kept the other half thereof to themselves, and that already charged with 200000 l. at least. So that if any sudden occasion happen, they have put their purse into the hands of the uncircumcised Jews of the City, and cannot raise one penny but by new Taxes upon the people. It was worth observing to see how officiously some of the old Stagers took leave of the Publick Purse, before it came into Hucksters hands. Alderman *Pennington* had a debt of 3000l. he owed to Sir *John Pennington* forgiven him, (he never asked forgiveness of his sins more heartily) and 3000l. more given him out of Goldsmiths Hall in course; the reason of this bounty was forked or two-fold.

1. Because he hath got enough before?

2. To comfort his heart, for being left out of the City Militia. But the most observable thing was, to see this old Parliament like a young Prodigal, take up money upon difficult terms, and intangle all that they had for a security.

1. They gave way to the City to hedg in an old debt, being a loan of mony after the rate of 50 Subsidyes, and other old debts.

2. Whereas 200000l. only was the sum to be borrowed, the City enjoyned them to take up 230000l. whereof the od 30000l. to be bestowed fro relief of decayed occupiers of the City; so that upon the matter the Parliament pays 30000l. Broakage,

3. That the City may not trust the greatest unthrifts of Christendom, with laying out of their own money; they put upon them 2 Treasurers of the City, to receive and disburse it for the service for which it was borrowed; so you see they have now neither credit, money, nor a purse to put it in.

So that the *modest Members*, who have been more forward to help their Country than themselves, are left in the lurch for their losses, and exposed to the laughter of their elder brothers, the old *Iunto men*, and factious leaders of the House, all being now morgaged to the *Lombards* of the City. The thriving Members hope their younger brothers will continue as modest, as they have been, and digest all with patience; but others, and those neither fools nor knaves, hope all the *modest and middle men* of the Houses, such as are ingaged in no faction, will be provoked hereby to draw into a third party or *Iunto*, to moderate the excesses of the other 2, when any thing prejudicial to the Commonwealth is agitated; and to call the old *Iunto* men, those land Pyrats to account, making them cast up what they have swallowed, and bring it to a common *divident*, or rather to pay the Army and Publick debts, whereby the people may be eased of their pressures; nor let them be discouraged with the supposed difficulty hereof, since 20 or 30 men holding together, and observing the cross debates, and different sway of each party, may easily make themselves moderators of their differences, and turn the scales for the best advantage of the common, which way they please to cast in their Votes, since it is very rare to have any question carried by more than eight or ten voices.

Most of these *Grandees* are reported to have, for *their retreat*, houses in the Low-Countries, richly furnished with Sequestred Plate,

Place, Linnen, and Stuff, and great store of money in bank for their shelter, against such stormes as their Rapine, Tyranny, and Ignorance may happily raise here amongst us. In those their retirements, these Authors of our miseries will injoy their sins, and our spoyls in security, attending an opportunity to purchase their peace at last, and betray our Safeties and Liberties to the inraged Prince and People. This is called robbing of the Ægyptians; and doubtless these ambitious State-Mountebanks have brought us into darkness worse than Egyptian. The text saith, the Egyptians rose not from their places in three days; they yet knew where they were, which is more than we do, every being out of his place and rank; the Servant in place of his Master, the Begger in place of the King, the Fool in place of the Counsellour, the Theef in place of the Iudge, the cheater in place of the Treasurer, the Clown in place of the Gentleman, none but God alone can play *Dædalus* part, and give us a Clue to lead us out of this labyrinth, into which these unpolitick *Hocus Pocusses* have brought us. These unskilfull workmen that have built up *Babel*, and pulled down *Sion*. Others are said to prepare Forein Plantations for Retreat; to People which, Children are ravished from their parents Arms, and shipped away; an abomination not known in *England* before, and therefore no competent Law made against it; no more than in antient *Rome* against Paricides.

20 *randees eir several terests and signs and rengths.*

By what hath been already said, you see what the *several*, and what the *conjoyned interests* of these two *Iuntoes* or *Factions*, *Presbyterian* and *Independent* are; let us now consider where *their several strength* lies. The *Independent* groundeth his strength upon the *Army*, which if he can keep up, he hopes to give the Law to all; and to produce that great Chymæra, *Liberty of Conscience*: not considering that the confusion and licentiousness of such a liberty will destroy it self, *Libertas Libertate perit*. The *Presbyterians* have three *Pillars* to support them. 1. The *City* is their chief foundation, with which they keep a strict correspondency, and dayly communication of Counsels. Upon this consideration, they have lately put the Parliaments Purse into the Cities Pocket as aforesaid; setled and inlarged the City Militia. Whereas all the Countries of *England* (being more obnoxious to injuries than the City) suffer much for want of setling their Militia; the Parliament not trusting them with arms, so much as for their own defence: An evident sign, there is a farther design than

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disbanding this Army. And becauſe the City Militia can only keep in awe the adjacent South and Eaſt Counties of the Kingdom; therefore to ſuppreſs the remoter parts, and inforce them to obedience, they keep up ſome *inland Garriſons*, and have the Scots and *Supernumerary forces for the North*. And in *the Weſt* (under colour of ſending men for *Ireland*) they keep upon free quarter and pay of the Country, *many ſupernumerary Regiments* and Troops, moſt Cavaliers, at leaſt five times as many as they really intend to tranſport. Theſe are always going, but never gone, like St. *George*, always in his ſaddle, never on his way. Something ever is and ſhall be wanting until Sir *Thomas Fairfax*'s Army be disbanded; and then (it is thought) the diſguiſe will fall off; and theſe ſupernumeraries ſhall appear a new modelled Army, under Presbyterian Commanders you may be ſure, and ſuch whoſe Conſciences ſhall not befool their wits where any matter of gain appeareth; if this be not their aym, why did they not disband thoſe lewd ſupernumeraries before laſt Winter, ſince they might have raiſed as many men the ſpring following for half the charge their very free quarters coſt? and moſt of theſe ſwear they will not go for *Ireland*, vowing they will cut the throats of the Round-heads.

The Country is amazed, fearing theſe Cavaleers are kept on free-quarter by a Cavaleeriſh party for ſome Cavaleeriſh deſign. Secondly, why did they not rather divide Sir *Thomas Fairfax* Army in two parts, one to go for *Ireland*, the other to ſtay in *England*, being already modelled, excellently diſciplined, and having the viſible marks of Gods favour upon their actions? But to take a few for *Ireland*, a few for *England*, and leave a Coar in the middle to be plucked forth and disbanded, was the way to diſcontent them, and put them into mutiny, and thereby neceſſitate the Parliament to disband them all, and give an opportunity to them that ſeek it, to new model another Army out of the aforeſaid Supernumeraries, more pliable to the deſires of the Presbyterian *Iunto*: ad hereunto the cauſeleſſe exaſperating ſpeeches and aſperſions caſt upon moſt of the Army purpoſely, as moderate men think, to diſcontent them. Thirdly, If they have no intent to keep up an Army againſt the People, why have they continued the Military charge for another year; and inlarged it from 52000 l. to 60000 l. a moneth?

modelled are like to prove the three-stringed whip, wherewith the Presbyterian *Phaetons* will drive the triumphant Chariot if they prevail; to which may be added the Presbyters themselves, who by overawing mens Consciencrs with their Doctrin, will subdue and work mens minds like wax to receive any impression of bondage that tyranny and oppression can set before them, as they do in *Scotland*, the Clergy in all times and places have ever held with the mighty, as the Iaccal hunts still with the Lion to partake of his prey; The Clergy have ever had an itch to be medling with State affairs, which shews how contemptible an opinion they have of their own Coat, that they can find no contentment in it; yet they would have the Laity to have a reverend opinion of it; the Popish Clergy draw all Civil Affairs, publick and private, under their jurisdiction and cognisance, *quatenus* there is *peccatum* in all human actions; the Presbyterians *quatenus* there is *scandalum* in all human actions, what is the odds? *Peccatum* is the Mother, *Scandalum* the Daughter, and both pretend they do this *in ordine ad Deum*; but universal experience teacheth us, how miserable that Commonwealth is, where the corruption of a Church-man proves the generation of a States-man.

The premises considered, I shall propound these ensuing *Quaries* to those that are of better judgment than my self.

22 *Quares upon the premises*

1. *Quære*, Why the title and punishment of Malignants is transferred from the Cavaliers, who fought for regal Tyranny against the Parliament, and laid upon those that fought against regal Tyranny for the Parliament; is not because those Cavaliers that have fought for one Tyranny, will not be scrupulous to fight for another? and such welaffected as have opposed Tyranny in one kind, will not admit of it in another? why is it now accounted a note of Malignity and disaffection to endeavour the putting down of Arbitrary Government, and re-establishing our Laws, Liberties and Properties, whereto the Parliament by their many Declarations & their National Covenant are bound? lay this to heart, and consider whether they have not changed these their first Principles, and consequently whether they are not desirous to change their old friends who resolutely adhere to the said Principles.

2. If the King grant the Propositions, or if he deny them, and the *Prædominant Iunto* (or both *Iuntoes* joyned together, to drive on one Common interest?) for it is now thought they are

which they despair to uphold *divisim*) establish the military and civil power without him, according to their desires, and in order to their ayms; *Quære*, whether the said leading men setled in their postures, with their confident guards about them, may not draw after them so many of their party as upon an implicite faith will follow them, and lick up the crums of the publick spoiles under their tables, expelling or disabling (as aforesaid) the disingaged Members, and by this policy make themselves perpetual Dictators, incorporating and ingrossing to themselves both the Consultive, Directive, and Ministerial power of the Kingdom in all causes Civil and Military, setting up an *Oligarchy* or popular Tyranny instead of a Regal, as the thirty Tyrants of *Athens* did. In order whereto, they already declare, 1. That an Ordinance of Parliament, without the Kings Royal assent, is equal to an Act of Parliament. 2. That an Ordinauce is above a Law by virtue of their legislative power: upon which presuming in their Ordinance of Indempnity, they have granted an appeal from the Iudges of the Law to a Committee of Parliament; see the Ordinance *May* 21. 1647. 3. That they are the irrevocable Trustees of the peoples Lives, Liberties and Properties, without account, with other *principles preparative to Tyranny*.

3. *Quære*, Why Arbitrary and Barbarous Government by Committees and other illegal proceedings (which in time of war were used upon real or pretended necessity, and were then only excusable, because *necessitas tollit Legem*) are still continued upon us now in time of peace, no enemies troubling our quiet; and without any further pretence of necessity, contrary to their National Covenant, and all their Declarations? is it not to inure the people to servitude, and exercise their patience.

4. *Quære*, Whether the prodigious oppressions of Committees, Sequestrators, &c. and of Free-quarter, be not purposely countenanced to necessitate the people to rise in tumults, that thence occasion may by taken to keep In-land Garrisons and Armies?

5. *Quære*, Whether our Laws, Liberties and Properties, are now as liable to an invasion from the *Legislative power*, as formerly from the *Prerogative*? considering that those who like ambitious *Absalom* courted and wooed the people in the beginning of troubles, now like haughty *Rehoboams* care not though the people complain, their little finger is heavier than the loyns of the King, the controversy between the 2 *Iuntoes* being no more, than whose

6. *Quarie*, Whether if the King hereafter tread in the steps of this Parliament, and their Committees, he will not be a greater tyrant than either the Turk, Russe, or French, and have as absolute dominion over his Subjects, as the Devil hath over damned Souls in Hell? and how dangerous these presidents may be to those Laws and Liberties which we have sworn to maintain.

If the *middle and disingaged men* in the House, do not speedily unite themselves into a party or *Junto*, as the factious have done, and communicate their counsels, they will be *arena sine calce*, loose and dissipated by every breath: and neither serviceable for themselves nor their Country. Whereas if they unite, twenty or thirty may become Moderators and Umpeers between both parties, (as hath been already said;) let the moderate men but consider how sad and dishonorable a thing it is, to see nothing almost of great and publick concernment come into the House, but what hath been *before hand contrived, debated, and digested* in one or both of the two *Juntoes* at their private meetings, and put into so resolved and prejudicate a way and method of dispatch, that every man is appointed his part or Cue before-hand; one man to move it, and set it on foot, another to second him; one man speak to one part of the Argument, another to another part; another to keep himself to the last for a reserve, and speak to the question, which he is provided to qualifie with a distinction, or vary it, if he find it difficult to pass. Thus all publick businesses are measured by private respects; whereby it appears, that as *frequent Parl.* are *good Physick*, so continual Parl. are *bad food*; and the people may complain, that *qui medicè vivit, miserè vivit.* Parliaments are *Bona peritura*; they cannot keep long without corruption. Their perpetuity emboldens the Members, by taking from them all fear of being called to account, especially if they get their Sons into the House as well as themselves (as many have done this Parliament, and more endeavour to do) whereby they have an estate in their places for two or three lives. Moreover by long sitting they become so familiar with one anothers persons and designs, as to serve one anothers turns, to joyn interests, and to draw into factions, *Hodie mihi, cras tibi.* If you and your party will help me to day, I and my friends will help you to morrow.

Miserima Respublica ubi majestas Imperii, & salus populi discordibus conflictantur studiis. What shall we say?

Shall we complain to God? God hath a controverſie with us. Of whom ſhall we complain? Of our ſelves? we muſt firſt reform our ſelves: We that take upon us to reform Church and Common-wealth, Shall we complain of our ſinnes? Ask the grace of repentance firſt, and ſo aſk that we may obtain. Shall we complain of our puniſhments? Let us firſt repent, and amend our ſins that cauſed them. Let us firſt pluck off the mask of hypocriſie, God will ſee thorough ſuch a fantaſtical garment of Fig-leaves. Let us no longer make Religion a ſtalking-horſe; God, who is all Wiſdom and all Truth, will not be deceived. If we talk like Chriſtians, and walk like Turkes, Chriſt will not own us. To faſt for a day, and hang our heads like bulruſhes, will not reconcile us. We muſt faſt from publique ſpoyls, rapines, and oppreſſion, and not drink the tears of the poor and needy. Shall we complain with the Prophet, That our Princes are become Theeves? that was heretofore our complaint, now we muſt invert it, and cry, That our Theeves (mean and baſe people) are become Princes. We are ſick, very ſick, intemperately ſick, and God hath given us a Phyſician in his wrath, a Leper as white as Snow, fitter to infect, than cure us. What Phyſick doth he preſcribe? Poyſon. What dyet? Stones inſtead of bread, Scorpions inſtead of fiſhes, hard fare for them that formerly fed ſo daintily. Before I conclude, let me give you the pedigree of our Miſeries, and of their Remedies. A long Peace begat Plenty, Plenty begat Pride, and her Siſter Riot, Pride begat Ambition, Ambition begat Faction, Faction begat Civil Warre: And (if our evils be not incurable, if we be not falln *in id temporis quo nec vitia noſtra, nec eorum remedia ferre poſſumus*) our Warre will beget Poverty, Poverty Humility, Humility Peace again, *Sic rerum revertentibus vicibus annulus vertitur Politicus.* The declining ſpoak of the wheel will riſe again. But we are not yet ſufficiently humbled, we have not repented with *Ninivy*. We wear Silks and Velvets, inſtead of Sack-cloath and Aſhes (even the meaneſt up-ſtart hath his thefts writ upon his back by his Taylor in proud Characters of Gold Lace) we have not watered our Couch with our Tears, but with an adulterous ſweat. Look to it therefore ye State *Incubi*, that by an inceſtuous copulation have begot Plenty upon War, and filled your houſes with the ſpoyl and plunder of your dear Country; an inundation of blood, and of the tears of the oppreſſed, will waſh away the foundation of your houſes:

And

And peace will be far from you in this World, but especially that peace which the world cannot give: And because *Salamander-like* you delight in the fire of Contention, an unquenchable fire will be your lot hereafter. And though you escape all accounts here, yet upon the great day of account when you shall receive your sentence of condemnation, those your Children for whose preferment you sel your Souls, your God for gold, shall not shew so much thankfulness or pity towards you, as to say, alas our Father! But your hearts are hardned with *Pharaoh*, I leave you therefore to *Pharaohs* destiny, to be drowned in your own Red sea, as he was in his.

Thus far I adventured to vindicate our Religion, Laws, and Liberties with my pen; in discharge of my Conscience, and pursuance of our National Covenant, which obligeth us to defend them against whosoever to our power, neither knowing nor caring whether in so wicked an age (wherein vice is honoured, and vertue contemned) I may be thought worthy of punishment for being more righteous than my superiors. I know an honest man is wondred at like a monster, and the innocency of his life and conversation suspected as a Libel against the State, yet if I perish I perish; *& pereundum in licitis*: nor am I less provided of a safe retreat than our *Grandees*, my grave is open for me, and one foot in it already. *Contempsit omnes ille qui mortem prius.* He that contemns Death, scorns both Hope and Fear; which are the only affections that make Knaves, Fools and Cowards of all the World. The World is a goodly Theater, we are the actors, God is Poet and chief spectator; we must not choose our own parts, that is at Gods appointment; one man he appoints to play the King, another the Begger; one a Comick, another a Tragick part; whatsoever part God hath appointed for me in this remainder of my life, I will have a care to personate it ingenuously and aptly, not doubting but my *Exit* shall be accompanied with an applause into my Tyring-room, my Tombe; nor will I refuse the meanest part that may draw a plaudit from so excellent a spectator, but will prepare my self for the worst of evills in this worst of times, and pray to God to Reform our Reformers. *Amen.*

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Author.

THE END.

THE HISTORY OF INDEPENDENCY,

WITH.

The Rise, Growth, and Practices of that powerfull and restless FACTION.

D. AMBROSIUS.

Nec nobis ignominiosum est pati quod passus est Christus, nec vobis gloriosum est facere quod fecit Judas.

TACIT.

Scelera, sceleribus, tuenda.

VIRGILIUS.

—— sua cuique Deus sit dira libido.

1 St. JOHN c. 2. v. 16.

Quicquid est in mundo est concupiscentia oculorum, concupiscentia carnis, aut superbia vitæ.

LONDON,
Printed in the Year 1648.

Reader,

Entle or ungentle, I write to all, *knowing that all have now got almost an equal share and interest in this Galymaufry or Hotchpot which our Grandee Pseudo-politicians with their negative and demolishing Councils have made, both of Church and Commonwealth: and therefore I write in* a mixed Stile, *in which (I dare say) there are some things fit to hold the* judgments of the Graveſt; *some things fit to* catch the fancies of the Lighteſt; *and some things of a* middle nature, *applying my ſelf to* all capacities, (*as far as truth will permit*) *becauſe I fore-ſee the* Cataſtrophe *of this* Tragedy *is more likely to be conſummated by* multitude of hands, *than* wiſdom of heads. *I have been a curious obſerver, and diligent inquirer, after, not only the* Actions, *but the* Counſels *of theſe times; and I here preſent the reſult of my indeavours to thee:* In a time of miſ-apprehenſions *it is good to avoid miſtakings, and therefore I adviſe thee not to apply what I ſay* to the Parliament, or Army in general, *if any phraſe that hath dropped from my pen in haſt* (*for this is a work of haſt*) *ſeem to look aſquint upon them: No, it is the* Grandees, *the* Junto-men, *the* Hocas-Pocaſſes, *the* State-Mountebanks, *with their* Zanyes *and* Jack-puddings, Committee-men, Sequeſtrators, Treaſurers, *and* Agita-

tors, *under them, that are here historified: were the* Parliament *(the major part whereof is in bondage to the minor part and their Ianisaries) and the* Army *freed from these usurping and engaged* Grandees, *who betrayed the Honour and Privileges of Parliament and the Army to their own lusts, both would stand right, and be serviceable to the setling of a* firm, lasting Peace under the King, *upon our* first Principles, Religion, Laws, and Liberties, *which are now so far laid by, that whosoever will not joyn with the* Grandees *in subverting them, is termed a* Malignant, *as heretofore he that would not adhere to the* Parliament *in supporting them was accounted; so that the* definition *of a* Malignant *is turned the wrong side outward. The body of the Parliament and Army (in the midst of these distempers) is yet healthy, sound, serviceable; my endeavour is therefore to play the part of a friendly Physitian, and preserve the body by purging peccant humours. Were the Army under Commanders and Officers of better Principles, who had not defiled their fingers with* publick monies, *their consciences by* complying *with, and* cheating all interests, (King, Parliament, People, City, *and* Scots) *for their own private ends, I should think that they carried the Sword of the Lord, and of* Gideon; *but clean contrary to the Image presented to* Nebuchadnezzar *in a dream, the head and upper parts of this aggregate body are part of Clay, part of Iron, the lower parts of better metal: I cannot reform, I can but admonish; God must be both the* Æsculapius *and* Prometheus; *and amend all, and though we receive never so many* denials, *never so many* repulses *from him, let us take heed how we Vote (even in the private corners of our hearts) no* Addresses, *no* Applications *to Him. Let us take heed of multiplying sins against God, lest he permit our* Schismatical Grandees to multiply Armies and Forces *upon us, to war against Heaven as well as against our Religion, Laws, Liber-*

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ties, and Properties upon earth, and keep us and our estates under the perpetual bondage of the Sword, which hath been several ways attempted in the Houses these 2 last weeks, both for the raising and keeping of a new Army of 30000. or 40000. men in the seven Northern Associate Counties, upon established pay (besides this Army in the South) *and also for the* raising of men in each County of England, *and all to be engrossed into the hands of his Excellency, and such Commanders and Officers as he shall set over them; and this work may chance be carried on by the* Grandees *of* Derby-house *and the Army, if not prevented; for the General (notwithstanding this power was denyed him in the House of Commons) hath sent warrants into most Counties to raise Horse and Foot; yea, to that baseness of Slavery hath our General and Army, with their under-Tyrants the* Grandees, *brought us, that although themselves did heretofore set the* rascallity *of the Kingdom on work in great multitudes (especially the* Schismatical party*) to clamour upon the Parliament with* scandalous Petitions, *and make peremptory demands to the Houses, destructive to the* Religion, Laws, Liberties, *and* Properties of the Land, *and the very* foundation of Parliaments; *to which they extorted what Answers they pleased; and got a general Vote,* That it was the undoubted right of the Subject to Petition, and afterwards to acquiesce in the wisdom and justice of the two Houses: *Yet when upon 16 of* May 1648. *the whole County of* Surry *(in effect) came in so civill a posture to deliver a Petition to the House, that they were Armed for the most part but with sticks, in which Petition there is* nothing contained which the Parliament is not bound to make good *by their many* Declarations and Remonstrances *to the people, or by the* Oaths of Allegiance, Supremacy, *or* National Covenant, *or by the* known Laws of the Land. *Yet were they; 1. Abused by the Souldiers of*

White-hall *as they passed by, where some of them were pulled in and beaten.* 2. *When those Gentlemen of quality that carried the Petition came to* Westminster-hall, *they found a Guard of Souldiers at the door, uncivilly opposing their entrance to make their addresses to the House.* 3. *When they pressed into the Hall, and got up to the Commons door, they were there reviled by the Guard.* 4. *The Multitude which stood in the* new Palace, *(because some of them did but whoop as others did, who were purposely set on work (as is conceived) to mix with them & disorder them) were suddenly surrounded with a strong party of Horse from the* Mews, *and some more Companies of Foot from* White-hall, *who by the appointment of the Committee of Schismaticks at* Derby-House *were ready prepared for this design, and catched them (as it were) in a Toyle, and with barbarous and schismatical rage fell upon these naked, unarmed Petitioners, slew and wounded many without distinction, telling them,* They were appointed to give an Answer to their Petition, and they should have no other; *(as indeed they had not) though the Lieut. Colonel that did all the mischief, was called into the House of Commons, and had publick thanks given him at the Bar, took many of them Prisoners, and Plundred their Pockets, Cloaks, Hats, Swords, Horses, and some of them (even Gentlemen of as good quality as their General) were stripped of their Doublets. Those Gentlemen of quality who were in the* Lobby *before the Commons door, civily expecting an Answer, were abused, and violently driven out by the Guard, to take their fortune among the Rabble; what* Tyrants *ever in the World* refused to hear *the* Petitions *and* grievances *of their people before? The most Tyrannical government of the World is that of* Russia, *and* Jo. Vasilowich *was the greatest Tyrant of that Nation, yet shall this Tyrant rise up in judgement at the latter day against these Monsters. Behold what entertainment your Petitioners shall have hereafter, if publick Peace be the end of*

It is reported by some that S. *H. Mildmay*, Col. *Purefoy*, & the Speaker (doubting the House would give too good an answer to their Petition) sent for these Horse and Foot.

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their desires: yet many Petitions ready drawn are sent up and down in most Counties by Committee-men, and Sequestrators, to enforce men to give thanks for the four Votes against the King; *and many Petitions from Schismaticks, destructive to Religion, Laws, Liberties and Property, have been obtruded upon the Houses, and received encouragement and thanks, because they tend to* subvert the fundamental Government *of* Church *and* Common-wealth, *and cast all into the* Chaos of confusion, *whereby the* Grandees may have occasion to keep up this Army, *and perpetuate their Tyranny and our burdens. And from these Tumults of their own raising, the grandees pretend a necessity to keep this Army about this Town, to watch advantages against it.* Cromwel *having often said,* This Town must be brought to more absolute obedience, or laid in the dust; *in order to which,* the Souldiers are now disarming the Country, *and then* the City is next, *who being once disarmed, must prostitute their* mony-baggs to these fellows, *or be* Plundered.

Reader, *having spoken my sense to thee, I leave thee to thy own sense; submitting my self to as much Charity as God hath endowed thee withall.* God that made all, preserve and amend all, *This shall be the daly prayer of him that had rather die for his Country, than share with these* Godly Thieves, *in eating out the bowels of his Country, and enriching himself with publick spoyls.*

The

The History of INDEPENDENCY.

YOu have in *The mystery of the two Juntoes, Presbyterian and Independent*, presented to your view these two factions, (as it were in a Cock-pit pecking at one another) which rising originally from the two Houses and Synod, have so much disturbed and dislocated, in every joynt, both Church and Common-wealth. I must now set before you *Independency* Triumphant, rousing its self upon its Legs, clapping its Wings and Crowing in the midst of the Pit, with its enemy under its feet, though not yet well resolved what use it can or may make of its Victory. *The Pre-* *ble.*

But before I go any farther, it is fit I tell you what *Independency* is. 1 What In- pendency

It is *Genus generalissimum* of all Errours, Heresies, Blasphemies, and Schisms; A general Name and Title under which they are all united, as *Sampson's* Foxes were by the *Tails*. And though they have several opinions and fancies (which make their *vertiginous heads* turn different waies) yet profit and preferment (being their *Tails*) their last and ultimate end by which they are governed (like a ship by his Rudder) and wherein they mutually correspond; the rest of their differences being but circumstantial are easily playster'd over with the *untempered Morter* of Hypocricy by their *Rabbies* of the Assembly, and their *Grandees* of the two Houses and Army, in whom they have an *implicite faith*. As *Mahomet's* Alchoran was the Gallemaufry of Iew and Christian; so are they a Composition of Iew, Christian, and Turk; with the Iew they arrogate to be the peculiar people of God, Indepen- is compou of Judais

the Godly, the Saints, who only have right unto the Creatures, and should possess the good things of this World, all others being Usurpers; a Tenent so destructive to all humane society and civill Government, that by vertue hereof they may and do by fraud, or force, Tax, eat up with Free-quarter, cousen and plunder the whole Kingdom, and account it but robbing the Egyptians: To this purpose they overthrow all the Iudicatures, Laws, and Liberties of the Land, and set up Arbitrary Committees, Martial-Law, aud *Weather-cock* Ordinances in their room, *made* and *unmade* by their own over-powring faction in Parliament at pleasure, with the help and terrour of their *Ianisaries*, attending at their doors.

Christianism

With the Christian, some of them (but not all) acknowledge the Scriptures, but so far only as they will serve their turns, to *Pharise* themselves, and *Publican* all the World besides; men filled with spiritual pride, meer Enthusiastiques, of a speculative and high flying Religion, too high for Earth, and too low for Heaven; whereas a true and fruitfull Religion like *Iacob's* Ladder, *Stat pede in terris, caput inter nubila condit*, must have one end upon earth, as well as the other in Heaven. He that acknowledgeth the duties of the first table to God, and neglecteth the duties of the second table to Man, is an Hypocrite both against God and Man.

Turcism.

With the Turk they subject all things, even Religion, Laws, and Liberties (so much cried up by them heretofore) to the power of the Sword, ever since by undermining practices and lies they have jugled the *States Sword* into the *Independant Scabbard*.

2 The E. of *Essex* and S. *William Waller* undermined to let in the Independents.

The Earl of *Essex*, General of all the Parliaments Forces (a man though popular and honest, yet stubbornly stout, fitter for Action than Counsel, and apter to get a victory than improve it) must be laid by, and his Forces reduced. The like for Sir *William Waller* and his Forces; that Commanders of *Independent* Principles and interests, with Souldiers suitable to them, might by degres be brought into their room to reap the harvest of those crops which they had sowen.

This was the ground-work of the *Independent* design, to monopolize the power of the Sword into their own hands.

This could not be better effected than by dashing the Earl of *Essex*

Essex and Sir *William Waller* one against another: for which purpose the hot-headed Schismatique Sir *A. Hasterigge* was employed with Sir *William Waller* and some others (whose Ashes I will spare) with the E. of *Essex* to break them one upon another. This was at last effected by taking advantage of their several misfortunes; the one at *Lisbyell* in *Cornwall*, the other at the *Devises* in *Wiltshire*, where *Hasterigge* (a man too ignorant to command, and too insolent to obey) not staying for the Foot, who lay round about the *Devises* in a storming posture, charged up a steep hill with his Horse only, against the Lord *Wilmots* Party, one Division so far from another, that the second Division could not relieve the first, thereby freeing Sir *Ralph Hopton* from an assured overthrow, and bestowing an unexpected Victory on the L. *Wilmot*: he received a wound in his flight, the smart whereof is still so powerfully imprinted in his memory, that he abhors fighting ever since; witness his praying and crying out of Gun-shot at the Battle at *Cheriton*, when he should have fought; and his complaint openly made in the House of Commons of the Earl of *Stanford* for Bastonadoing him. Which rashness of his (if it deserve not a worse name) was so far from being discountenanced, that he received not long after a gift of 6500l. from the House, and is lately made Governour of *Newcastle*, and 3000l. given him to repair the works there. I shall not need the Spirit of Prophecie to foresee, that the tenth part of the said 3000l. will not be bestowed upon those Works. Thus was he favoured by his party in the House, who were thought to look upon this action as an acceptable service.

In farther progress of this design *Manchester* (a Lord, and therefore not to be confided in) was undermined and accused by his Lieut. General *Cromwel* of high Crimes, whom he again recriminated with a Charge of as high a nature; and when all men were high in expectation of the event, it grew to be a drawn battel between them; whereby, all men concluded them both guilty: *Manchester* was discarded. 3 The Earl of *Manchester* undermined

Out of the ashes of these three arose that Phœnix (forsooth) a new moddell'd Army, under the Command of Sir *Thomas Fairfax*, a Gentleman of an irrational and brutish valour, fitter to follow another mans counsel than his own, and obnoxious to

Cromwel and the *Independent faction* (upon whose bottome he stands) for his preferment, it being no dishonour to him to become the property to a powerfull Faction.

4 The Victories of the new model how atchieved.

It pleased God to bestow many Victories upon this Army over the Kings Forces, then strong in bulk, but weakned by Factions, want of pay, and other distractions (wherby many of their Commanders not confiding in one another, began to provide for their future safety and subsistence) but above all, they had generally lost the peoples affections. To these their Victories, the constant pay, and supplies, and all other helps and encouragements from a concurring State, which their working and *restless Faction* carefully accommodated them withall (far beyond what any other Army had formerly) did much conduce, in so much as they cleared the Field, and took in all the enemies Garisons, with so much facility, that to many men they seemed rather *Cauponantes bellum quam belligerantes*, to conquer with silver than with steel: a good Purse is a shrewd weapon.

5 Artifices to make *Cromwel* and his new Model popular.

Thus this Faction having got a General fit for their turn, and a Lieutenant Generall wholly theirs in judgment and interest, were diligent to make him famous and popular, by casting upon him the honour of other mens atchievements and valour. The News-books taught to speak no language but *Cromwel* and his Party; and were mute in such actions as he and they could claim no share in: for which purpose the Presses were narrowly watched. When any great exploit was half atchieved, and the difficulties overcome, *Cromwel* was sent to finish it, and take the glory to himself, all other men must be eclipsed, that *Cromwel* (the *Knight of the Sun* and *Don Quixot* of the *Independents*) and his Party may shine the brighter.

6 The new Model new-modelled by degrees to put the Sword into the hands of Schismaticks.

And that *Cromwels* Army might be suitable to himself, and their Designs carried on without interruption or observation of such as are not of their Principles, all the Sectaries of *England* are invited to be Reserves to this Army; and all pretences of scandals and crimes laid hold of at their own Councils of War, to casheer and disband the Presbyterian party, that Independents might be let into their rooms, though such as (for the most part) never drew Sword before: so that this Army (which boasteth it self for the Deliverer, nay the Conquerour of two Kingdoms) is

no

no more the same that fought at *Naseby*, than Sir *Francis Drakes* Ship that brought him home, can be called the same Ship that carried him forth about the Earth, having been so often repaired, and thereby suffered so many substractions and additions, that hardly any part of the old vessel remained. It was therefore nominally and formally, not really and materially the same.

The said *mystery of the two Iuntoes* farther tells you, that the Independent *Iunto* bottomed all their hopes and interests upon keeping up this Army; whereby to give the Law to King, Kingdom, Parliament and City, and to establish that Chimæra called *Liberty of Conscience*. That this was *Cromwels* ambition formerly, the Earl of *Manchester's* aforesaid Charge against *Cromwel* (though let fall without prosecution, lest so great a mystery should be discovered) makes it probable, and his later practices upon which I now fall makes it infallible.

The Houses long since (for ease of the people) in a full and free Parliament, ordained the disbanding of this Army, only 5000. Horse, 1000. Dragoons, and some few Fire-locks to be continued in pay for safety of this Kingdom, and some of them to be sent for *Ireland*: for which purpose they borrowed 200000l. of the City, (being the same sum which disbanded the Scots) and for the rest of their Arrears, they were to have Debenters and security without all exceptions; such terms of advantage as no other disbanded Souldiers have had the like, neither are these like to attain to again: so that they have brought the Souldiers into a loss, as well as into a labyrinth; their continuing in arms without, nay against *lawfull Authority*, being a manifest act of Treason and Rebellion, and so it is looked upon by the whole Kingdom; nor can the Parliaments subsequent Ordinances, (which all men know to be extorted by force, as hereafter shall appear) help them.

7 The Arm ted to be banded through wels craf

To the passing of this Ordinance, *Cromwels* Protestations in the House with his hand upon his brest, *In the presence of almighty God, before whom he stood, that he knew the Army would disband and lay down their Arms at their dore, whensoever they should command them*, conduced much: this was maliciously done of *Cromwel* to set the Army at a greater distance with the Presbyterian Party, and bring them and the Independent party neerer

together; he knew the Army abominated nothing more than Disbanding and returning to their old Trades, and would hate the Authors thereof.

3. Agitato s raised by Cromw.

And at the same time when he made these protests in the House, he had his Agitators (*Sprits* of his and his Son *Ireton's* conjuring up in the Army, though since conjured down by them without requital) to animate them against the major part of the House (under the notion of *Royalists*, a *Malignant partie* and *Enemies to the Army*) to ingage them against *Disbanding* and *going* for *Ireland*, and to make a Traiterous Comment upon the said Ordinance, to demand an *Act of Indemnity*, and relie upon the advice of Judge *Jenkins* for the validity of it, and to insist upon many other high demands, some private, as Souldiers; some publique, as States-men.

9. The beginning of the proj & to purge the Houses.

10. The Army put into mutiny against the Parliament, where- by *Cromwel* monopolizeth the Army.

Cromwel having thus by mutinying the Army against the Parliament, made them his own, and monopolized them, (as he did formerly his Brew-house at *Ely*) which he might easily do, having before-hand filled most of the chief Offices in the Army with his own kinred, allyes, and friends (of whose numerous family, Lieut. Col. *Lilburn* gives you a list in one of his Books) he now flies to the Army, doubting (his practices discovered) he might be imprisoned: where he and *Ireton* assuming Offices to themselves, acted without Commission; having not only been ousted by the self-denying Ordinance, (if it be of any power against the godly) but also their severall Commissions being then expired; and Sir *Thomas Fairfax* having no authority to make General Officers, as appears by his Commission (if he make any account of it) and therefore *Sprig*, alias *Nathaniel Fines*, in his Legend or Romance of this Army, called *Anglia Rediviva*, sets down two Letters sent from Sir *Thomas Fairfax* to the Speaker *William Lenthal*, one to desire *Cromwel's* continuance in the Army, another of thanks for so long forbearing him from the House: see *Ang. Red. p.* 10,11,29. which needed not, had he bee an Officer of the Army.

11. Cromwels' family in the Army.

12. Cromwel and Ireton usurp Offices in the Army.

And now both of them bare-faced, and openly, joyn with the Army at *Newmarket*, in trayterous Engagements, Declarations, Remonstrances, and Manifesto's; and Petitions penn'd by *Cromwel* himself, were sent to some Counties, to be subscribed against

suppoſed

supposed Obstructors of justice, and invaders of the peoples Liberties in Parliament; and the Army at *Newmarket* and *Triple-Heath* prompted to cry, *justice, justice*, against them; and high and treasonable demands, destructive to the fundamental Privileges of Parliament were publickly insisted upon; many of which for quietness sake, and out of Compassion to bleeding *Ireland*, were granted; yet these restless spirits (hurried on to farther designs) made one impudent demand beget another, and when by Letters and otherwise they had promised, *That if their then present demands were granted, they would there stop and acquesce*; yet when they seemed to have done, they had not done, but deluded and evaded all hopes of Peace by mis-apprehension, and mis-construction of the Parliaments concessions; making the mis-interpretations of one grant, the generation of another demand, so that almost ever since the Parliament hath nothing else to do but encounter this *Hydra*, and *roll this stone*.

13 Securing *Oxford*, and p dering the King [fro *Holdenby*.

Having thus debauched the Army, he plotted in his own Chamber the securing the Garisons, Magazine, and Train of Artillery at *Oxford*, and surprizing the Kings person at *Holdenby*; which by his instrument Coronet *Joyce*, with a commanded party of Horse he effected; and when *Joyce* (giving *Cromwel* an account of that action) told him, *He had now the King in his power*; well (replied *Cromwel*) *I have then the Parliament in my Pocket*. O insolent Slave! O Slavish *English*! thus to suffer your *King* and *Parliament*, together with your Wives and Children, Religion, Laws, Liberties and Properties, to be Captivated by so contemptible a Varlet. If our Noble Ancestors (who vindicated their Liberties, and got *Magna Charta* by the Sword) shall look down from Heaven, and see their Posterity so cowardly resign them to a handfull of bloody, cheating Schismaticks, they will not own us, but take us for *Russian* Slaves, *French* Peasants, and cry out, that we are a Bastard brood, *Servi natura*, born for bondage; yet afterwards (having recourse to his usual *familiarity with Almighty God*) *Cromwel* used his name to protest his ignorance and innocence in that business, both to the *King* and *Parliament*, adding an execration upon his Wife and Children to his protestation; yet *Joyce* is so free from punishment, that he is since preferred, and his Arrears paid by their means;

means; and though both Houses required the Army to send his Royall Person to *Richmond*, to be there left in the hands of the Parliaments Commissioners, whereby both Kingdoms might freely make addresses to him, (for they had formerly excluded and abused the Scots Commissioners, contrary to the law of Nations, and Votes of both Houses, and yet then granted free access to the most desperate persons of the *Kings Party*) yet they could obtain no better answer from these *Rebellious Saints*, than *That they desired no place might be proposed for His Majesties residence nearer* London, *than where they would allow the Quarters of the Army to be.* This was according to their old threats of marching up to *London*, frequently used when any thing went contrary to their desires; they knew what dangerous and troublesome guests we should find them here.

Manifesto of the Army June 27. 1647.

How much is this Army degenerated since *Cromwel* and his demure white-livered Son-in-law *Ireton* poysoned their manners with new principles? *Anglia Rediviva, p. 247.* tels us, that about *Woodstock* private overtures were made by some from Court for receiving his Majesty, who was minded to cast himself upon the Army; but such was their faithfulness in that point, that conceiving it derogatory to the honour and power of Parliament, (for his Majesty to wave that highest Court, and address himself to any others) and therefore inconsistent with their trust and duty, being Servants of the State, they certified the Parliament thereof, and understanding it to be against their sense also, they absolutely refused to be tampered with. Oh, how faithfull then! how perfidious and *Cromwellized* are they now! let their frequent tampering with the *King and His party*, to the amazement of the Kingdom, and the *abusing of the King* testifie. Read *Putney Projects* written by a considerable Officer of the Army, and a friend to *Cromwel*, though not to his false practices.

14 Their project to keep the Parliament in Wardship.

Having thus gotten the *King* (the *first* and most visible legal authority of *England*) into their possession, their next design is to get the *Parliament* (the *second* legal authority of *England*) into their power.

15 Purging the Houses again.

This could not be effected but by purging the two Houses of *Presbyterian Members* (especially the most active, and such as had laboured their disbanding) that an *Independent* Parliament and Army

Army might govern the Kingdom: In order to which design they sent to the House of Commons in the name of Sir *Thomas Fairfax* and the *Army*, a general and confused Charge of High Treason and other mis-demeanours against *eleven Members*, for things done (for the most part in the House) and many of the principal, such as the House had long before examined and acquitted them of, and such as the whole Kingdom knows *Cromwel* and *Ireton* to be apparently guilty of; as, *Tracking with the King*, &c.

16 Accusing 11 Men.

One chief Article insisted upon in the Charge was, *That by their power in the House, they caused the Ordinance for Disbanding this Army to passe.* Here you see where the shooe wrings them; This Charge was not subscribed by any informer that ingaged to make it good, or else to suffer punishment, and make the House and the parties accused, reparation: as by the *Stat.* 25. *Ed.* 3. *c.* 4. 27. *Ed.* 3. *c.* 18. 38. *Ed.* 3. *c* 9 17. *R.* 2. *c.* 6. 15 *H.* 6. *c.* 4. but especially by 31. *H.* 6 *c.* 1. concerning *Jack Cade* (which comes nearest this case) ought to be; and they professed in the 2 3. 4. Article of their Charge, *That they were dis-obliged and discouraged from any farther engagement in the Parliament service, or* Irelands *preservation; And demanded the House should forthwith suspend the impeached Members from any longer sitting and acting.* Whereupon, the House after full debate in a full and free Parliament, *Resolved*, June 25. 1647. *That by the Laws of the Land no judgment could be given for their suspention upon that general Charge, before particulars produced, and proofs made*; Yet the Army (which had now learned only to acquiesce in their own prudence and justice) insolently threatned to march up to *Westminster* against the Parliament, in case the said 11 Members were not suspended; and courted the City of *London* to sit Newters, and let them worke their will with the Parliament.

17 Threats to march up to *London*.

18 *London* solicited to sit Newters.

The 11 impeached Members therefore modestly withdrew to free the House from such danger, as they might incur by protecting them, as in Justice and Honour they were bound to do: After this, the Army sent in their particular Charge; and libellously published it in print by their own Authority. To which the 11 Members sent in, and published their Answer. Upon which there hath been no prosecution, because they pretend first

to settle the Kingdom, but if they stay till these fellows have either authority, will, or skill to settle the Kingdom, they shall not need to make ready for their tryal till Doooms-day; Here you have a whole Army for Accusers, and the chief Officers of the Army (being Members of the House) not only accusers, but parties, Witnesses, and Judges, and carrying the Rules of Court, and Laws by which they judge, in their Scabards. And the Charge of Impeachment, such (as all men know) *mutatis mutandis* are more suitable to *Cromwells* and *Iretons* actions, than the accused Parties. If the proceeding in the Kings name against the 5 Members mentioned in *The exact Collection. part.* 1. *p.* 38. were Voted *A Traytorous design against King and Parliament*, and the arresting any of them upon the Kings Warrant, *an Act of publick enmity against the Common wealth*: How much more *Treasonable* were these proceedings; and the Armies March towards *London* to enforce them; and their arresting *Anthony Nichols*, having the Speakers Passe, and leave of the House; Colonel *Burch*, being upon service of the Parliament going for *Ireland*; and Sir *Samuel Luke*, resting quiet in his own House?

19. The first occasion of quarrel 'gainst the City.

Whilst these things were acting, *Cromwel* finding he could not have his will upon the Parliament, but that he must make the City of *London* (who had denied the neutrality) his Enemies, cast about how to cheat the Country people of their affections; (for to have both City and Country his Enemies in the posture his Army was then in, was danderous) he therefore by many Printed Books and Papers, spread all *England* over by his Agitators, and by some Journey-men Priests (whose *Pulpits* are the best *Juglers boxes* to deceive the simple) *Absalom* like, wooeth them to make loud Complaints of the pressures and grievances of the People; to neglect the King and the Parliament, and make Addresses to the Army as their only Saviours, the Arbitrators of Peace, Restorers of our Laws, Liberties and Properties, Setlers of Religion, Preservers of all just interests: pretended to settle the King in his just Rights and Prerogatives; to uphold the Privileges of Parliament, establish Religion, to reform, and bring to account all Committees, Sequestators, and all others that had defiled their fingers with publique money, or goods; To free the people from that all devouring Excise and other Taxes; to redress

20 Courting and cheating the Country and all their interests to lull them asleep till the Grandees had wrought their will upon the City and Houses.

21 Petitions to the Army, and for the Army.

dresse undue elections of Members; To relieve *Ireland*: Things impossible to be performed by an Army, and now totally forgotten; so that they have only accepted of their own private demands as Souldiers; That the Parliament should own them for *their Army*; Establish pay for them; put the whole *Militia* of this Kingdom, and *Ireland* both by Sea and Land, into their Hands, and Vote against all opposite Forces. But they are now become the only Protectors of all corrupt Committee-men, Sequestrators, Accomptants to the State, and all other facinorus persons, who comply with them to keep up this Army, for their own security against publick justice.

Having thus courted and cheated all the publick and just Interests of the Kingdom, they deceived the people so far as to make them *Issacher*-like, patiently to bear the *burden of free quarter*, and to make addresses to the Army for themselves; by Petitions, to which they gave plausible answers, That *this*, and *this* was *the sense of the Army*: As if the sense of the Army had been the supreme Law of the Land, and to make addresses to the Parliament for the Army not to be disbanded, (for which purpose their *Agitators* carried Petitions ready penned to be subscribed in most Counties.)

The People being thus lulled asleep, they now cast about how to make benefit of a joynt quarrel both against the Parliament and City, (since they could not separate them) or at least against the Presbyterian party in both; they had withdrawn their quarters (in a seeming obedience to Parliaments commands) 30 miles from *London* (of which they often brag in their Papers) and presumed the suspension of the 11 Members, had struck such an awfulnesse into the Houses, that most of the Presbyterian Members would either absent themselves, (as too many indeed did) or turn Renegadoes from their own principles to them: but found themselves notwithstanding opposed, and their desires retarded (beyond their expectation) by the remainder of that party. They must therefore find out a quarrel to march against the City, and give the Houses another Purge, stronger than the former. 22 A quarrel against the invented. 23 The Army mand the Militia to changed in other hand

The Army being principled, and put into a posture sutable to *Cromwel's* desire, and the Country charmed into a dull sleep, now was his time to pick a quarrel with the City, that what he could

not obtain by fair means, he might obtain by foul, to make the desert and divide from the Parliament, and leave it to be modelled according to discretion of the Souldiery. He could not think it agreeable to policy, that the City which had slain his Compeer and fellow Prince *Wat Tyler* (the Idol of the Commons in *Richard* the seconds time) and routed his followers (four times as many in number as this Army (should be trusted with their own *Militia*, the City being now far greater, more populous and powerfull than in his days. In a full and free Parliament upon mature debate, both Houses by Ordinance (dated 4 *May* 1647.) had established the *Militia* of the City of *London* for a year, in the hands of such Citizens, as by their Authority and approbation were nominated by the Lord Mayor, Aldermen, and Common-Council; and though the Army had recruited it self without Authority, and had got themselves invested with the whole power of all the Land forces of the Kingdom in pay of the Parliam so that there was nothing left that could be formidable to them but *their own crimes*; and that it was expected they should go roundly to worke upon those publick remedies they had so often held forth to the people in their popular Printed Papers: Yet the Army (contrary to what they promised to the City in their *Letter* 10 *June*, and their *Declaration* or *Representation*, 14 *June*, 1647. *That they would not go beyond their desires at that time expressed, and for other particulars would acquiesse in the Justice and wisdom of the Parliament* (behold their modesty!) by a *Letter* and *Remonstrance* from Sir *Thomas Fairfax* and the Army, with unresisted boldness demanded the *Militia* of the City of *London* to be returned into other hands, without acquainting the City or their Commissioners (then resident in the Army to keep a good correspondency with them) therewith; upon which Letter alone; the House of Commons (being very thin, and many Members driven away by menaces) upon *July* 22. Voted the repealing the said Vote of 4. *May*, and a new Ordinance for reviving the old *Militia*, presently passed and transmitted to the Lords the same day about seven of the clock at night, and there presently passed without debate, though moved by some to be put off untill the City (whose safety and privileges it highly concerned) were heard what they could say to it.

ee the Letter
nd Remon-
rance from
: *Tho. Fair-*
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rmy, p. 8: 9.

Observe

Observe that neither by the said Paper from the Army; nor by any man in the two Houses, any thing was objected against any of the new *Militia*.

And indeed, formerly the Parliament never made choice of, enlargd, or changed the City *Militia*, but they were still pleased first to communicate the same to the Common-Council; a Respect justly shewed to that City which had been such good friends to them; but of late, since the Parliament have shifted their old Principles and Interests, they have learned to lay by their old Friends. The pretence of this hasty passing the Ordinance, was to prevent the Armies so much threatned march to *London*, if the Houses refused to pass it; and the Cities opposition, if not passed before their notice of it. But the real design was to strike a discontent and jealousie into the City, therby to force them to some act of self-defence, which might give a colour to the Army to march up against them, and their friends in the Houses.

The unexpected news of this changing their *Militia*, caused the City (*June* 24. being Saturday) to meet in Common Council, where, (for some reasons already expressed) and because the repealing this Ordinance upon no other grounds than the Armies imperious desires, might justly be suspected, to shake all other Ordinances, for security of Money, sale of Bishops Lands, by making them repealable at the Armies pleasure; they resolve to Petition the House upon Monday morning following, being 26. *July*, which they did by the Sheriffs, and some Common Council men: But so it hapned, that about one thousand *Apprentices* wholly unarmed, came down two or three hours after with another Petition, of their own, to the Houses; wherein complaining, that *to Order the Cities Militia was the Cities Birth-right belonging to them by Charters confirmed in Parliament, for defence wherof they had adventured their lives as far as the Army; And desired the Militia might be put again into the same hands in which it was put with the Parliament and Cities consent by Ordinance*, May 4.

24 The City bled at the change of *Militia*.

I appeal to lonel *Hart* whether th did not frig him?

25 The City tition the H ses for their *Militia* aga

26 The tumult Apprentices 26 *July*.

Upon reading these Petitions, the Lords were pleased to revoke the Ordinance of *July* 23. and revive that of *May* 4. by a new Ordinance of *July* 26. which they presently sent down to the Commons for their consents, where some of the Apprentices (presuming they might have as good an influence upon the House to

obtain *their due*, as the Army in pay of the Parliament had to obtain *more than their due*) in a childish heat were over clamorous to have the Ordinance passed, refusing to let some Members pass out of the House, or come forth into the Lobby when they were to divide upon the question about it, (so ignorant were they of the customes of the House) which at last passed in the affirmative about three of the clock afternoon; and then most of the Apprentices departed quietly into the City. After which, some disorderly persons (very few of them Apprentices) were drawn together and instigated by divers Sectaries and friends of the Army who mingled with them (amongst whom one *Highland* was observed to be all that day very active; who afterwards [26 *Sept.*] delivered a Petition to the House against those Members that sate, and was an Informer and Witness examined about the said *Tumult*,) gathered about the Commons door and grew very outragious, compelling the Speaker to return to the Chair after he had adjourned the House; and there kept the Members in until they had passed a Vote, *That the King should come to London to Treat.*

27 The Tumult of Apprentices vised, but artificially continued by Sectaries.

This was cunningly and premeditately contrived, to encrease *the scandal upon the City*; yet when the Common-Council of *London* heard of this disorder as they were then sitting; they presently sent down the Sheriffs to their rescue with such strength as they could get ready (their *Militia* being then unsetled by the contradicting Ordinances of the Parliament) who at last pacified the Tumult, and sent the Speaker safe home; which was as much as they could do in this interval of their *Militia*, being the Houses own Act.

The Lords adjourned until the next Friday; the Commons but until the next day. Tuesday morning the Commons sate again quietly, and after some debate adjourned untill Friday next, because the Lords had done so.

28 The Speaker of the Commons complained of a report, that he ment to flie to the Army; yet run away to the Army.

The next day being Wednesday, the *monthly Fast*, the Speaker and Members met in *Westminster* Church; where the Speaker complained (in some passion) to Sir *Ralph Ashton* and other Members, of a scandalous report raised on him in the City, as if he intended to desert the House, and fly to the Army, saying, *he scorned to do such a base, unjust; dishonorable act; but would rather die in his House and Chair:* which being spoken in a time and

place

place of so much reverence and devotion, makes many think his secret retreat to the Army (the very next day) proceed not so much from his own judgment, as from some strong threats from *Cromwel* and *Ireton* (who were the chief contrivers of this desperate plot to divide the City and Houses, and bring up the Army to *enthrall them both*) *That if he did not comply with their desires, they would cause the Army to impeach him for cousening the State of many vast sums of money.*

And truly I remember I have seen an intercepted Letter, sent about the time of his flight, from the Army to *Will. Lenthal* Speaker without any name subscribed to it, only the two last lines were of *John Rushworths* hand; earnestly importuning *him to retire to the Army, with his friends.*

29 The City claim aga Tumults

On Thursday morning early, the new renewed *Militia* of *London*, made publick Proclamation throughout the City and Suburbs, and set up printed Tickets at *Westminster*, *That if any person should disturb either of the two Houses, or their Members, the Guards should apprehend them, and if resistance were made, kill them*; yet notwithstanding, the Speaker and his party, (carrying the causes of their fear in their own consciences) in the evening of that day secretly stole away to *Windsor* to the Head-quarters.

30 The Hous appear, th Speakers l at the Arm

Upon Friday morning at least 140 of the Members assembled in the House (they that fled being about 40) whither the Serjeant comming with his Mace, being asked where the *Speaker was*? answered, *He knew not well; that he had not seen him that morning, and was told he went a little way out of Town last night*; but said, *he expected his return to the House this morning*: after that, being more strictly questioned about the Speaker he withdrew himself, and would not be found, till the House (after four hours expectation, and sending some of their Members to the Speakers house, who brought word from his Servants, that *they conceived he was gone to the Army*) had chosen a *new Speaker*, Master *Henry Pelham*, and a new Sergeant, who procured another Mace. The like (*mutatis mutandis*) was done by the Lords, to prevent discontinuance and fayler of the Parliament for want of Speakers to adjourn and so to continue it; and take away all scruples.

31 New Spea chosen.

32 Petition an Engagemen of the City

As for the *Petition and Engagement of the City* (so much aggravated

vated by the *Independent party*) it was directed to the *Lord Mayor, Aldermen*, and *Common-Council*; from divers *Citizens, Commanders* and *Souldiers*, and was occasioned by some intelligence they had, that the *Army would demand an altera-ion of the City Militia, in order to a design they had against the City.* It was only intended to the Common Hall, but never presented, as the *Souldiers Petition* was to their *General*, which being taken notice of by the Parliament as it was in agitation, was so much resented by the Souldiery, as to put themselves into the posture they are now in (as Lieut. Col. *Lilburn* says in one of his books) to act no longer by their Commission, but by the principles of Nature and self-defence; nor did the said *Engagement* contain any thing but *resolutions of self-defence, in relation to the City*; so that we cannot see what the Army had to do to declare their sence upon it in their *Letter* 23 *July*, and so put a prejudice upon it in the Houses. I have insisted the more particular upon this *Grand Imposture*, as being the *Anvill* upon which they hammered most of their subsequent designs, *violent* and *regal accusations.*

33 Votes passed after new Speakers chosen.

The new Speakers chosen; *the two Houses proceeded to Vote and Act, as a Parliament.*

And first, *The House of Commons Voted in the eleven impeached Members*: next, *They revive and set up again the Committee of safety by Ordinance of both Houses, enabling them to joyn with the Committee of the restored City Militia, giving power by several Ordinances to them, to List and raise Forces, appoint Commanders and Officers, issue forth Arms and Ammunition for defence of both Houses and the City against all that should invade them.* Which Votes and preparations for their self-defence (warranted by the same law of Nature, as the Armies papers affirm) were not passed, nor put in execution untill the Army (every day recruited contrary to the Houses Orders) were drawing towards *London*, and had with much scorn disobeyed the Votes and Letter of both Houses, prohibiting them *to come within thirty miles of London.*

34 Members Engagement with the Army.

The Army, to countenance their Rebellion, *draw the two Speakers and fugitive Members to sit in consultation, and pass Votes promiscuously with the Council of War in the nature of a Parliament, and to sign an Engagement* (dat. 4 August) *to live and*

die

die with Sir Thomas Fairfax *and the Army under his command*; affirming therein, *that generally throughout, their sense agreeth with the Declaration of Sir* Tho. Fairfax, *and his Council of War, shewing the grounds of their present advance towards the City of* London. In which Declaration, the Council of the Army take upon them to be *supreme Judges over the Parliament*; Telling you who of the two Houses they hold for persons in whom the publick trust of the Kingdom remaineth, and by whose advice they mean to govern themselves in managing the weighty affairs of the Kingdom: They declare against the late choice of a new Speaker by some Gentlemen at *Westminster*; And that as things now stand, there is no free nor legal Parliament sitting, being through the violence (29 *July*) suspended. That the Orders and Votes, &c. passed 29 *July* last, and all such as shall passe in this assembly of some few Lords and Gentlemen at *Westminster*, are void and null, and ought not to be submitted unto.

Behold here, not only a power without *the Parliament Houses*, judging of the very *essence of a Parliament*, and the validity of their resolutions, but usurping to themselves a *negative Voice*, which they deny to the King; and yet a Schismatical faction in the 2 Houses complying with them, and betraying and prostituting the very being, Honour, and all the fundamental rights and privileges of this and all future Parliaments to an Army of Rebels, who refuse to obey their Masters, and disband.

This Engagement so over-leavened the army, that their brutish General sent forth Warrants *to raise the Trained Bands* of some Counties to march with him against the City and both Houses; although Trained Bands are not under pay of the Parliament; and therefore not under command of the General, by any Order or Ordinance. But, what will not a *Fool in authority* do, when he *is possessed by Knaves*? Miserable man! His Foolery hath so long waited upon *Cromwell's* and *Ireton's* knavery, that it is not safe for him now to see his folly, and throw by his *Cap with a Bell* and *his Bable*.

35 The City send Commissioners to the Army, *Fowks*, *Gibs*, and *Estweek*, by whom they are betrayed.

The Earl of *Essex* died so opportunely, that many suspected his death was artificial.

Yet the City were so desirous of Peace, that they *sent Commissioners* sundry times *to the Army* to mediate an Accord; Who could

could obtain no more equal terms of Agreement than that *They should yeeld to desert both Houses, and the impeached Members: Call in their Declaration newly Printed and published: Relinquish the Militia: Deliver up all their Forts and Line of Communication to the Army; together with the Tower of* London, *and all the Magazines and arms therein: Disband all their Forces: Turn all the Reformadoes out of the Line: Withdraw all their guards from the Houses: Receive such Guards of Horse and Foot within the Line, as the Army should appoint to guard the Houses: Demolish their works, suffer the whole Army to march in triumph through the City as Conquerours of it and the Parliament, and* (as they often give out) *of the whole Kingdom*: tearms which they might have had from the great Turk, had he sate down before them and broken ground.

All which was suddenly and dishonourably yeelded to, and executed according, by such an Army as was not able to fight with one half of the City, had they been united: But they are the *Devils-seed-men*, and have sown the *Cockle of Heresies and Schism*, so abundantly in City and Country (especially amongst the more beggarly sort) that these men joyning Principles and interests with the Army, weaken the hands of all opponents. They often brag that they made a civil march, free from Plunder: I Answer, they neither durst nor could do otherwise: their Souldiers being ill Armed, and so few, that they were not able to keep stands in the streets, and keep the Avenues while their Fellows dispersed to Plunder. *Charles* 8 with a far greater, and more Victorious Hoast, durst not offer violence to the far lesse City of *Florence* when *Signior Capona* put an affront upon him in the Town-house; Bidding him *beat his drums, and he would ring their Bells*.

36 The fugitive Members returned.

Upon the 6 of *August*, 1647. The General brought the fugitive Speakers and Members to the Houses with a strong Party; (who might have returned sooner without a Gaard, had not their own crimes and designe hindred them) the two Palaces filled with armed guards, double Files clean through *Westminster hall*, up the stairs to the House of Commons, and so through the Court of Requests to the Lords House, and down stairs again into the old Palace. The Souldiers looking scornfully upon many

Members

Members that had sat in the absence of the Speaker, and threatning to cut some of their throats. And all things composed to so ridiculous a terrour, as if they would *bespeak* (without *speaking*) the absence of those Members that sat; placed the Speakers in the Chairs without Vote, out of which they had been justly Voted for deserting their calling; where the General was placed in a *Chair of State*, (enough to make a fool of any man that was not fit for it) and received special thanks for his service from both Speakers. And in the second place, *a day of thanksgiving* was appointed to God (I think) for his patience in not striking these Atheistical Saints with thunder and lightning for making him a stale to their premeditated villanies.

Here Sir *Thomas Fairfax*, with a breath (and before any man that was not privy to the design could recover out of his amazement) was made *Generalissimo* of all the Forces and Forts of *England* and *Wales*; to dispose of them at his pleasure: *Constable* of the Tower of *London*. The common Souldiers Voted *one moneths gratuity*, besides their pay (the Commons being in good case to give gifts before they *pay debts*:) left to the discretion of the General to set what Guards he pleased upon the two Houses. Whereby you may perceive in what uncqual condition those Members that did not run away with the Speaker, doe now sit; after so many reiterated threats of the General against them in his printed Papers.

37

After this, the General, Lieutenant General, Major General *Skippon* (heretofore Waggoner to Sir *Francis Vere*, and one that hath got well by serving the City) and the whole Army, with the Train of Artillery, marched through *London* in so great pomp and triumph, as if they would have the People understand that the Authority of the kingdom (in whose hands soever it remains in these doubtfull times) must submit to the *power of the Sword*, the hilt and handle whereof they hold. They *turn out the Lieutenant of the Tower without cause shewn*. The consequences of these two Actions were, that immediatly the City decayed in Trade above 200000 l. a week; and no more bullion came to the Mint.

The Armies march in T
umph throu
the City: wi
other subse
quent Acts.

They displace all our Governours, though placed by Ordinance of Parliament, and put in men of their own party; for this

encroaching faction will have all in their own hands: they alter and divide the Militia of *London*, setting up particular Militia's at *Westminster*, *Southwark*, and the *Hamblets of the Tower*, that being so divided they may be the weaker: Demolish the Lines of Communication, that the City and Parliament may lie open to Invasion when they please, and fright many more Members from the Houses with threats, and fear of false Impeachments.

The 11. impeached Members, having leave by order of the House, and license of the Speaker, some to go beyond Sea, and *Anthony Nichols* to goe into his own Country to settle his Affairs; Some of them (as Sir *William Waller*, and Mr. *Don Hollis*) were attacht upon the *Sea*, *Nichols* arrested upon the way into *Cornwall* by the Army, and despightfully used, And when the General was inclined to free him, *Cromwel* (whose malice is known to be as unquenchable as his Nose) told him *he was a Traitor to the Army*. You see now upon whom they mean to fix the *peoples allegiance*, (for where no *allegiance* is due, there can be no *Treason*) and to what purpose they have since by their 4 Votes (first debated between the *Independent Grandees* of the Houses and Army) laid aside the King, and (as much as in them is) taken off our Allegiance from him.

Col. *Birch* formerly imployed for *Ireland* by the Parliament, was imprisoned, and his men mutinied against him by the Army, and Sir *Sam. Luke* resting quietly in his own house, was their seized upon, and carried Prisoner into Army.

All these Acts of terror were but so many scarecrowes set up to fright more Presbyterians from the Houses, and make the Army masters of their Votes.

38 Proceedings of both Houses under the power of the Army.

I must in the next place fall upon the Proceedings in both Houses, acted under the power and influence of this all-inslaving, all-devouring Army, and their engaged party; To attain the knowledge whereof, I have used my utmost industry and interest with many my near friends, and kinsmen sitting within those Walls, heretofore (when *Kings*, not *Brewers* and *Draymen*, were in power) the walls of publique Liberty.

39 Ordinance to Nul and Void all Acts passed in absence of the 2 runagado Speakers

The Lords that sate in absence of the two Speakers (all but the Earl of *Pembrok*, whose easie disposition made him fit for all companies) found it their safest course to forbear the House, leaving

leaving it to be possessed by those few Lords that went to, and engaged with the Army: which ingaged Lords sent to the Commons for their concurrence to an Ordinance, *To make all Acts, Orders, and Ordinances, passed from the* 26. July, (when the tumult was upon the Houses) *to the* 6 *of* August *following* (being the day of the fugitive Members return) *Void and Null* ab initio. This was five or six several days severally and fully debated, as often put to the question, and carried in the Negative every time; Yet the Lords still renewed the same message to them, beating back their Votes into their throats, and would not acquiesce, but upon every denial put them again to roll the same stone, contrary to the privileges of the Commons.

40 Menaces used by the engaged party in the House.

The Chief Arguments used by the engaged party were all grounded upon the Common places of fear and necessity: Mr. Sollicitor threatning if they did not concur, the Lords were resolved to vindicate the Honour of their House, and sit no more; they must have recourse to the power of the Sword; The longest Sword take all. *That they were all engaged to live and die with the Army. They should have a sad time of it. Hasterigge* used the like language, farther saying, *Some heads must flie off; and he feared, the Parliament of* England *would not save the Kingdom of* England, *they must look another way for safety. They could not satisfie the Army but by declaring all void* ab initio; *and the Lords were so far engaged, that no middle way would serve.* To this was answered, *That this was an appeal from the Parliament to the Army.* And when these and many more threats of as high nature were complained of, *as destructive to the liberty and beings of Parliaments*, the Speaker would take no notice of it. Sir *Henry Vane junior*, Sir *John Evelin junior*, *Prideaux*, *Gourdon*, *Mildmay*, *Thomas Scot*, *Cornelius Holland*, and many more, used the like threats.

41 A threatning Remonstrance from the Army to the House

Upon the last Negative (being the fifth or sixth) the Speaker perceiving greater enforcements must be used) pulled a Letter out of his pocket, *From the General and General Council of the Army* (for that was now their stile) pretending he then received it; But it was conceived he received it over night, with directions to conceal it, if the question had passed the affirmative. It was accompanied with a *Remonstance* full of villanous language and

threats against *those Members* that sate while the two Speakers were with the Army, calling them *pretended Members*, charging them (in general) with *Treason*, *Treachery*, *and breach of Trust*; and protested, if they shall presume to stir before they have cleared themselves, that they did not give their assents to such and such Votes, they should sit at their peril, and he would take them as prisoners of War, and try them at a Council of War.

What King of *England* ever offered so great a violence to the fundamental Privileges of Parliament, as to deny them the Liberty of Voting *I* and *No* freely? Certainly the *little finger* of a *Jack Cade*, or a *Wat Tyler*, is far heavier than the *loynes* of any King.

Many Members were amazed at this Letter, and it was moved, *That the Speaker should command all the Members to meet at the House the next day; and should declare, That they should be secured from danger: And that it might be ordered, That no more but the ordinary Guards should attend the House.* But these two motions were violently opposed with volleys of threats, by the aforesaid Parties and others. And after more than two hours debate, the Speaker refused to put any question upon them, or any of them; and so adjourned to the next morning, leaving the *Presbyterian Members* to meet at their Peril.

The next day being Friday, the 20. *August*, there was a very thin Assembly in the House of Commons; the House having with so much violence denied protection to their Members the day before, made most of the *Presbyterian* partie absent. Some went over to the *Independent* party: others sate mute. At last a Committee was appointed presently to bring in an *Ordinance of Accommodation*; which was suddenly done and passed, and is now printed at the latter end of the said menacing *Remonstrance* of the Army: a Child fit to wait upon such a Mother.

42 Debate in passing the Ordinance of null and void.

Thus was this *Ordinance of null and void* gotten (which hath been the cause of so much danger and trouble to multitudes of people) by the Lords reiterated breaches upon the Privileges of the House of Commons; The engaged parties threats within doores; The Armies thundring Letters and Remonstrance, Their Guards

Guards upon their doors, and a Regiment or two of Horse in *Hide Park*, ready to make impressions upon the House, in case things had not gone to their minds: diverse of whose Commanders walking in the Hall, enquired often how things went; protesting, *they would pull them forth by the Ears if they did not give speedy satisfaction.*

Thus for the *manner* of passing that Ordinance.

The *matter* of Argument used against it was (as far as I can hear) to the purpose following: It was alleged that the Force upon Monday, 26. *July*, ended that day, that the next day being Tuesday, the House met quietly, and adjourned: that upon Friday following, the Houses sate quietly all day, and gave their Votes freely, and so forward; the City having sufficiently provided for their security, that the transient force upon Monday, could have no influence on the Houses for time to come.

That the Supreme power of no Nation can avoid their own Acts by pretended force: this would make the Common people, the Jurors, and Judges, to question all Acts done in Parliament, since one man can, and may judge of force as well as another: this were to bring the Records of the House into dispute: *Magna Charta* was never gotten nor confirmed but by Force: Force was three-fold, *upon one, or both Houses; or upon the King, in giving his Royal assent*; neither could plead it: the Parliament is presumed to consist of such men as dare lay down their lives for their Country.

When the King came with force to demand the 5 Members: When the City came down crying for justice against the Earl of *Strafford*: When the Women came down crying for Peace: When the Reformadoes came down in a much more dangerous Tumult than this of the unarmed Apprentices; yet the Houses continued sitting and acting, and none of their Acts were nullified.

That to make their Acts, Orders, and Ordinances void *ab initio*, would draw many thousand men, who had acted under them, into danger of their lives and fortunes, who had no Authority to dispute the validity of our Votes: we must therefore give them power to dispute our Acts hereafter upon matter of fact; for to tie men to unlimited and undisputable obedience to

our

our Votes, and yet to punish them for obeying whensoever we shall please to declare our acts void, *ab initio*, is contrary to all reason. If to act upon such Ordinances were criminal, it was more criminal in those that made them. And who shall be Judges of those that made them? not the Members that went to the army; They are parties pre-ingaged to live and die with the Army; and have approved the *Armies Declaration*, calling those that sate, *a few Lords and Gentlemen, and no Parliament*: They have joyned with a power out of the Houses to give a Law to, and put an engagement upon both Houses, a president never heard of before, of most dangerous consequence, it takes away the liberty of giving *I* and *No* freely, being the very life of Parliaments: If all done under an actual force be void, it is questionable whether all hath been done this four or five years be not void; and whether his Majesties Royal assent to some good Bils passed this Parliament, may not be said to have been extorted by force. If the Kings partie prevail, they will declare this Parliament void, upon the ground your selves have laid. 1 *Hen.* 7. that King urged the Parliament to make void *ab initio*, all Acts passed *Rich.* 3. which they refused upon this ground, that then they should make all that had acted in obedience to them liable to punishment, only they repealed those Acts.

Fabian's History.

The debate upon this Ordinance *of Null and Void*, held from Monday, 9 of *Aug.* to the 20 *Aug.* (when it was passed) but not without some interloaping debates of something a different nature, yet all looking the same way; occasioned by *Messages* from the Lords: Namely, once upon a Message from them, The said *Declaration* from Sir *Thomas Fairfax* and his Army, concerning their *advance to London* was read and debated in grosse, whether the Commons should concur with the Lords in approving it? But almost all but the ingaged party and their pensioners disrelished it, it was laid by without any question put, lest it should prove dangerous to put a Negative upon their Masters of the Army. Yet many menaces (according to custome) were used by the engaged party to get it passed; *Hasterigge* affirming that those Gentlemen that sate and voted for a *Committee of safety*, and the Kings comming to *London*, did drive on the design of the *City Protestation* and *Engagement*. To which was answered, *That the*

43 The Lords Message to the Commons to approve the Declaration of the Army.

44 The Committee of safety

Committee

Committee of safety was not then newly erected by those which sate, but of the old Committee, revived by that Vote, which had been long since erected in a full and free Parliament, when the Army first mutinied, and threatned to march to London, *and for the same ends, defence of Parliament and City; and for the King's coming to* London, *it was Voted only to get him out of the power of the Army; as formerly in a full and free Parliament he had been Voted to* Richmond *for the same reason.*

Upon another Message from the Lords, the Commons concurred in an Ordinance to erect a Committee of Examination, to inquire into, and examine the *City Petition, Engagement, and the force upon the Houses 26 July*, and all endeavours to raise any forces, &c. This Committee consisted of 22 Commons besides Lords, almost all of them Members engaged with the Army: but because there were some three or four Presbyterians gotten in amongst them, to shut these *Canaanites* forth, that the Godly, the true seed of *Israel* might shuffle the cards according to their own mind, the 13 *August* after (upon another Message from the Lords) there was a Sub-Committee of Secrecy, named out of this Grand Committee of Examinations, to examine upon Oath; the persons were, the Earl of *Denbigh*, and *Mulgrave*, Lord *Gray* of *Wark*, Lord *Howard* of *Escrig*, Sir *Arthur Haslerigge*, Mr. Solicitor, *Gourdon*, *Miles Corbet*, Alderman *Penington*, *Allen*, *Edwards*, Col. *Ven*, or any three of them; all persons engaged to live and die with the Army, and now appointed to make a clandestine scrutiny, and search into the lives and actions of the Presbyterian Party that sate in Parliament doing their duty, when the engaged Party fled to the Army, and brought them up in hostile manner against them.

45 A Commi to Examin the Tumul

46 A Sub-com mittee of S crecy selects to examine Tumult.

The unreasonableness of this way of proceeding was much urged, and farther alleged, that *it was neither consonant to the customes of the House, nor unto common reason*, that *a Sub-committee should be chosen out of the Grand Committee of Examinations, with more power than the Grand Committee it self had, and excluding the rest of the Committee, under the pretence of Secrecie*; Besides, *it was against the privilege of the House of Commons, that the Lords should nominate the Commons in that Sub-committee as well as their own Members. But the Independent Gran-*

47 Debat upon passing the Committee Secret exami nations,

dees would have it pass. Breach of Privilege and all other considerations are easily swallowed when they are subservient to their present designs.

48 The party engaged were resolved to be *Examiners*, *Informers*, and *Witnesses*, as well as *Parties*; (so active was their malice) and had so wel packed their Cards, that eight or nine Schismatical Lords engaged likewise with them, and the Army should be Judges of the Presbyterian Party that sate in absence of the two Speakers; the better to give the two Houses a through Purge, and make them of the same complexion with the Army: without which they had no hopes to divide the power and profit of the Land between themselves by 10000 l. 20000 l. in a morning shared amongst the Godly; and to make the whole Kingdom to be *Gibeonites*, hewers of wood, and drawers of water to the faithfull.

The manner of prosecution & proceeding upon the Tumult.

49 In order to the playing of this game, *Miles Corbet* (Interpreter to the *State-puppet-play* behind the curtain, commonly called, *The Close Committee of Examinations*) upon the 3 *September*, stood up and began his Report from that Inquisition, saying, *He would begin with the Committee of Safety, wherein many Members were concerned, and it was necessary to purge the Houses first.* But further said, *he would suppress the names of many of his Witnesses, because the Depositions he should report were but preparatory Examinations, and it would be for service of the State to conceal their names,*

Miles Corbet makes report of Examinations taken at the Close Committee. First against the Committee of Safety.

He first produced many Warrants signed at the *Committee of Safety* by the Earls of *Pembroke*, *Suffolk*, *Middlesex*, *Lincoln*, Lord *Willoughby* of *Parham*, *Maynard*, Mr. *Hollis*, Sir *Phi Stapleton*, Sir *Will. Waller*, Mr. *Long*, Mr. *Nichols*, Sir *William Lewis*, Mr. *Baynton*.

Against Master *Baynton*.

Next, *Corbet* reported, *he had a Witness who deposed that a Gentleman with a Red head had signed many Warrants, supposed to be* Master *Edward Baynton*; at length after much wyer-drawing of the business, one Warrant was shewn to Master *Baynton*, which he confessed to be his hand. And presently *Hasterig* moved that Master *Baynton* might forthwith Answer; against which was objected, *That since these were but preparatory Examinations, not legal proofs, no man was bound to Answer them; whereupon a man*

shall

shall be put to as many several answers as several new matters of Charge come in against him, and shall day by day be liable to new vexations, and never know when he hath cleared himself. But *Corbet* (who of an Examiner was now become the Kings Solicitor, or Advocate Criminal) moved to proceed to Iudgment against him: but first to ask him some preparatory questions. But it was answered, that it was illegal to squeese examinations out of a mans own mouth; neither was a man bound to answer, where his words may condemn, but not absolve him: for so much as depends upon the testimony of Witnesses against this Gentleman, you cannot proceed unless he be by, and have liberty to put cross questions to the Witnesses. It is alleged, Warrants were signed, and all done in relation to a new War. It is answered, it was done in order to Self-defence (allowed by the Laws.) Long before this occasion, when the Army first mutinied and threatned to march to *London*, and use such extraordinary means against the *Parliament and City* as God had put into their hands, you then in a full and free Parliament appointed a Committee of Safety for their defence, who sate and acted. This Committee was but the same revived, and upon the like or worse threats and menaces, as by the many printed papers from the Army will appear; you have no Testimony against this Gentleman by name, but only a character of his Hair: and for signing the Warrant confessed by himself he is acquitted by the *Proviso* of the Ordinance 20 *August* last, which excepted only such as acted upon the force; but when the Committee of Safety was revived, the Parliament was freer from force than it is now. Mr. *Baynton* notwithstanding, was adjudged to be suspended the House during pleasure of the House, which is as much as to say, *So long as the Tyranny of this Domineering Faction lasteth.*

The 4 of *Sept. Corbet* reported he had a Witnes (but named him not, because they were but preparatory examinations) who deposed, that an elderly Gentleman, of low stature, in a Gray suit, with a little stick in his hand; came forth of the House into the Lobby when the tumult was at the Parliament dore, and whispered some of the Apprentices in the ear, and encouraged them, (supposed to be Mr. *Walker*;) Mr. *Walker* denyed he spake then with any man in the *Lobby*, or saw any face that he knew

Against Mr. *Walker*.

there; and so neglected the business as a thing not considerable. But the next day *Corbet* moved that Mr. *Walker* might be ordered to put on his Gray suit again, and appear before the Close Committee, and the Witness, who saith, *he knoweth him again if he see him.* I hear Mr. *Walker* desired to know (seeing the Witness had not named him) by what Authority the examiners should take such a Deposition, and make application thereof to him; And seeing there were many Gentlemen in the House that day with whom that Character agreed as well as with himself, why the Reporter did not move that all to whom that Character was appliable might be put to that test as well as himself, but single him out for a mark to shoot at; complaining, that he was not ignorant out of what quiver this Arrow came: he had been threatned with a revenge by some of that Close Committee, and had other Enemies amongst them, that could bite without barking. He told them that yesterday Mr. *Corbet* reported that the supposed old man whispered, &c: but desired those that were then in the House to call to mind that the noise was then so great in the *Lobby*, that no whisper, nay the loudest words he was able to speak could not be heard. Then *Corbet* changed his Tale, saying, the words were, *What you do, do quickly*; and were spoken aloud; and said the Character agreed best with Mr. *Walker*, for that the Deponent said, the Gentleman was a Lean meager man.

Here Mr. *Walker* desired the House to take notice, that the Reporter had twice varied his Report. 1 In the words spoken, from a *whisper* to *loud speaking.* 2 In the Character inlarged with the words *lean and meager.* Here is hail-shot provided, if one miss the other must hit; Yet with this addition, there were divers in the House with whom the Character agreed as well as with himself. And by the incivility of his words, it should seem the Witness is a man of no breeding; wherefore he desired to hear his *name*, that he might inquire of his credit and repute. If the Reporter thinks he may be practised, he doth not think him a man of honesty, and then he had more cause to suspect him. He farther complained, that to make Hue and Cry after him (as it were upon fresh suite) upon a Character of his person and cloaths five or six weeks after the supposed fact, (he never having absented

ted himself one day from the House) favoured too much of a party overswaied with malice and revenge.

Your Close Committee of Examination carry on businesses so in the dark (being parties engaged with the Army, and not sworn to be true in their office) that no man can see how to defend himself, or how he is dealt with, or when he is free from trouble and danger. It seems we are here called *extempore* to answer for our lives, *ore tenus*; and our Accusation beginneth with the Examination of our persons, to make us state a Charge against our selves, to betray our selves, and cut our own throats with our tongues, contrary to *Magna Charta*, *the Petition of Right*, and all those Laws of God and Man, which in the Kings time were in use; and no Witnesses are produced, nor so much as named: me thinks therefore we are compelled to play at *blind-man-bough* for our lives, not seeing who strikes us. You have the most summary way of hanging one another that ever I saw; it is a kind of *Star-chamber* proceeding in matter of life and death; your secret Examinations favour so much of the *Spanish inquisition*, and of the *Council of troubles* erected by the Duke *d' Alva* in the *Low-countries* (called *Concilum Sanguinis*) that they can never agree with the *Laws and Nature of our Nation*: if our Kings shall imitate you hereafter, they will be the greatest Tyrants in the World. Formalities and Privileges of Court, derogating from the common Rules of Law, and practice of the Land, are but curtains drawn before oppression and tyranny to dazle mens eyes. Give me leave to tell you, that I have served you faithfully from the beginning, and have taken as much pains, and run as many hazzards, as most men in your service, wherein I have lost my health, and above 7000l. of my Estate, without one penny compensation, as other men have had; nor have I laid my hand upon any mans money or goods, or had any gainfull imployment from you; I contented my self to serve my Country *gratis* and with some little honour I had gotten thereby, whereof you have now robbed me, by a roaving Accusation shot at random at me. Had I cheated the State of 40000 l: or 50000 l. peradventure I might have been thought a Godly confiding man, of right principles, and have had 10000l. given me for my pains. *Sir*, You have heard the voice of a Free man (not of a slave) that dares keep his first Principles,

Religion, Laws, and just liberties, whosoever lays them aside; and protests against Tyranny and oppression, wheresoever he finds it, whether in the Government of *one* or *many*. You may murder me by the Sword of Justice, but you cannot hurt me: but deliver me from the evils to come. Nor shall I be unwilling to suffer a Gaol-delivery of my Soul from the prison of my body when I am called to it.

When Mr. *Welker* had done his defence, the debate followed much to this purpose, *That to order him to appear in his Gray suit before the Close Committee and Witness was illegal, and against the Laws and Liberties of the Subject.*

1. *It is to help another to accuse himself; which is all one as if he did accuse himself.*

2. *To bid a Witness look upon a man* (after he is engaged to name some body) *is to prompt him to go no farther than the party shewed.*

3. *A Witness ought not to be twice examined against a man*, that is, *to draw him on by degrees to swear home, and to mend in his second Deposition, what fell short in his first.*

4. *If the Witness first depose to the matter, not naming the party, & five or six weeks after declare the Person without Oath, this is no Deposition, and if the Oath be renewed, the Witness is twice examined*: So the business was laid by, and *Corbet* allowed to shew Mr. *Walker* casually as he could meet with him to his Witness, which was (in a manner) to draw dry foot after him with his bloud-hound.

I was the more curious in gathering the circumstances of this business out of the reports of many several men, in regard of the rareness of the case, and the exquisitness of the malice with which it was prosecuted. And it seemed to me the more admirable, because I hear generally that Mr. *Walker* hath always been opposite to all parties and factions, both *Presbyterian* and *Independent*, upon whom he looks as the common disturbers both of Church and Commonwealth, and enemies of peace. Nor could he ever be perswaded to be at any of their *Juntoes* or secret meetings; and therefore it is not probable he should suddenly and in the open view of the House go forth and engage with a company of silly unarmed Apprentice Boys. But I hear they cannot endure his severity, nor he their knavery. What will not the malice

of

of a desperate Anabaptistical faction attempt? they have long sported in the blood and treasure of the Land, as the *Leviathan* doth in the Waters; and do now keep up a numerous Army to carry on those designs by force, which they can no longer make good by fraud. All *England* is become as *Munster* was, and our *Grandees* suitable to *John of Leyden*, and *Knipperdoling*.

The next report *Cobet* made concerning Mr. Recorder *Glyn*. The chief things objected were, *That he had frequented the Common Council, the Committees of the Militia, and Safety, more than he was wont to do: That he was silent and made no opposition; and that he gave thanks to the Apprentices when they delivered their Petition to the City, offering their help for defence thereof against whomsoever.* Against Mr. Recorder G

The Recorder answered, *The Charge was long, and his Memory short: He desired time to examine his memory, concerning the circumstances of time, place, persons and other matters; and that he might examine Witnesses for clearing his innocency.* But his prosecutors (hoping to do more good upon him by way of Surprize, than in a deliberate and legal way of proceeding) put him upon it to answer *extempore*. He confessed and avoyded some things, but denyed the most material. He denyed he was more frequent at their meetings than ordinary. For his silence, he alleged, he was but the Cities servant, and had no voice amongst them, but when his opinion is demanded: That he gave thanks to the Apprentices as a servant by command, yet had mixed some admonitions and reprehensions in his Speech to them.

So the Recorder withdrew. And presently *Haslerig* (according to his custom) moved judgment might be given against him. To which was answered, that the Recorder denyed the principal parts of his Charge; and offered proofs by Witnesses: you must give him that leave, or take all parts of his speech for granted; as well that makes for him, as against him. Two or three days more will make this business ripe for judgment: let him have one judgment for all. If you judge him now to be expelled the House he is already forejudged, and that will be a leading case to a farther judgment: for who dares acquit where you have condemned? A man ought to be but once judged upon one accusation. The dishonour of expulsion is a punishment exceeding

death

death. If you judge now upon one part of the Accusation, and hereafter upon another part of the Accusation, he will be twice condemned upon one Accusation, and shall never know when he hath satisfied the Law, an endless vexation.

Yet *Haslerig* moved he might receive judgment now, for what was already proved or confessed, to be expelled the House (saying, *The Lords went on without obstruction in their businesse, because they had purged their House*) and that he might be farther impeached hereafter upon farther hearing. So he was adjudged to be discharged the House, committed to the Tower, and farther impeached hereafter.

Against S. *John Maynard.* Sir *John Maynard* the same day was called to Answer. He desired a copy of his Charge, with leave to Answer in writing by advice of Counsel, as the 11 Members formerly did; to examine Witnesses on his part, and ere's examine their Witnesses. But these requests were denied, and he commanded to Answer *ex tempore*. He gave no particular Answer, but denyed all in general: as Col. *Pride* (whom he cited for his president) had formerly done at their Bar. He was adjudged to be discharged the House, committed to the Tower, and farther impeached.

The like for Commissary General *Copley*, whose case differed little.

gainst the 7. Lords. The 8 of *Sept.* the Earls of *Suffolk*, *Lincoln*, *Middlesex*, the Lords *Berkley*, *Willoughby*, *Hunsdon*, and *Maynard*, were impeached of High Treason in the name of the Commons of *England*, *for leavying War against the King*, *Parliament*, *and Kingdom*. The Earl of *Pembroke* (then sent to *Hampton Court* with the Propositions on purpose to avoid the storm) was omitted untill Wednesday following, and so had the favour to be thought not worth remembring.

Sir *John Evelin* the younger sent up to the Lords with the *Impeachment*, and a desire they might be committed. They were committed to the *Black Rod*; and so the engaged Lords had their House to themselves according to their desires.

50 Schismatical Petitions. The 14 *Sept.* A Petition from divers Schismaticks in *Essex* came to the Houses, bearing this Title, *To the Lords and Commons in Parliament assembled, distinct from the Lords and Commons that sate in absence of the two Speakers.*

16 *Sept.*

1st. *Sept.* a Petition from divers Sectaries of *Oxfordsh. Bucks. Berksh.* was delivered to the House against divers Members sitting in the House, *Enemies to God and Godliness, Enemies to the Kingdom, &c. Usurpers of Parliamentary authority, who endeavoured to bring in the King upon his own Tearms.* They desired *a free Parliament, and t at* (according to the desires of the Army) *those that sate when the Parliament was suspended in absence of Tythes, &c.* in it. Such another Petition came but the day before from *Southwark.*

These Petitions were all penned by the engaged party of the Houses and Army, and sent abroad by Agitators to get subscriptions. The design was to put the two parties in the House into heights one against another, to make the lesser party in the House (*viz.* the ingaged party, but 59) to expel the greater party, being about 140, whereby the House might be low and base in the opinion of the people, and no Parliament, and so leave all to the power of the Sword. The Army dayly recruiting, and thereby giving hopes to all loose people, that the Army should be their common Receptacle, as the sea is the common Receptacle of all waters, because those who had no hopes to be Members of Parliament might become Members of this Army. Besides their plausible way of prompting the people to Petition against Tythes, Enclosures, and Copy-hold fines uncertain, was to encourage them to side with the Army against all the Nobility, Gentry, and Clergy of the Land, (from whom the Army did most fear an opposition) and to destroy Monarchy it self; since it is impossible for any Prince, to be a King only of Beggers, Tinkers, and Coblers. The aym of these Petitions

But these interlopping discourses omitted, let us again return to these prodigious Impeachments. The next in order comes in the Lord Mayor, Aldermen and Citizens, with whom short work was made. Impeachments were sent to the Lords against them, and they sent to the Tower upon a bare report of the Inquisitor general *Corbet*, and the reading of some depositions, the Witnesses names for the most part concealed, and none of them so much as called to the Commons Bar, to see what they could say for themselves; contrary to *Magna Charta*, 29 *ch.* and contrary to 28 *Edw.* 3 enacting, *That no man shall be put out of his Land, &c. nor taken, nor Imprisoned, &c. or put to death, &c. Without being brought* Against the Lord Mayor, Aldermen and Citizens.

brought to answer by due process of Law. That is, according to the *Stat. 42. Ed. 3. c. 3. That no man be brought to answer without presentment before Justices, or matter of Record, or by due process, or writ original according to the old Law of the Land*: not according to new invented Articles of Impeachment, but according to those Laws that were well known, and old in *Edw. 3.* time: See *Stat. 37. Ed. 3. 1 Ed. 6 ch. 12. 6 Ed. 6. c. 11.* and the *Stat. 25. E. 3.* saith, *No man shall be taken by Petition or suggestion made to the King or his Counsel, &c.* and the House of Peers is no more but the Kings Counsel, as anon I shall make evident.

51 Arguments against impeachments before the Lords.

It was moved by divers, that these Gent. might be tryed according to Law at the Kings Bench, by a Iury of twelve men *de vicineto*, their Peers and Equals to judg of matter of fact: alleging that the Common Law was the Birthright of all the free People of *England*: which was one of the 3 Principles for which the Paliament so often declared in print that they fought, and for defence whereof they had entered into a covenant, *with their hands lifted up to God*: the other two principles were *Religion* and *Liberties.*

1. *The Lords were not Peers to the Commoners*: *At the common Law they shall have sworn Iudges for matter of Law, of whom they may ask questions in doubtfull points, nor can they be Iudges in their own cases.*

2. *They have sworn Iurors of the Neighbourhood for matter of fact, whom they may Challenge.*

3. *The known Laws and Statutes for Rules to judg by, which in case of Treason is the* Stat. 25. Ed. 3. *you cannot Vote nor declare a new Treason*: And if you could, *to do it* Ex post facto, *is contrary to all rules of justice*: The Apostle saith, *sin is a breach of a Commandement* (or Law) *I had not known sin but by the Law*: the Law therefore must go before Sin.

4. At the Common Law, *They have Witnesses openly and newly examined upon Oath before the accused's face, who may except against them and cross examine them.*

5. *Even in Star-chamber and Chancery* (where only hearings are upon Testimonies) *the Examiners are sworn Officers.*

6. *A man hath but one Tryal and Iudgment upon one accusation*: so that he knows when he hath satisfied the Law.

In this way of proceeding, all these necessary legalities are laid by,

by; and these Gentlemen have not so much fair play for their Lives and Estates, as *Naboth* had for his Vineyard: he had all the formalities of the law; yea, he had law it self; yet he had not justice, because they were the sons of *Belial* that were set before him: what shall we conceive these Witnesses are that do not appear? nay, whose very names are concealed? yet *Naboth* was murdered by the sword of Justice: for the honour of Parliaments give not the people cause to suspect, these Gentleman shall be so too: *non recurrendum ad extraordinaria, quando fieri potest per ordinaria.*

But all this was but to charm a deaf Adder: the nine or ten engaged Lords that then possessed the House, were thought to be fitter than a Jury of *Middlesex* to make work for the hang-man, and yet they have *no Judicature over the Commons*, as appears by the President of Sir *Simon de Berisford*, *William Talboys*, and the City of *Cambridge*. Note that one president against the Jurisdiction of a Court is more valued than a hundred for it: because the Court cannot be supposed ignorant of the Law, and its own rights; but a particular man or Client may: see Sir *John Maynard's Royal quarrel, and his Laws subversion*, Lieutenant Col. *Lilburn's Whip for the present House of Lords*, and Judge *Jenkins Remonstrance to the Lords and Commons of the two Houses of Parliament*, dated 21 *Feb.* 1647. As for the cases of *Weston*, *Gomenes*, and *Hall*, (cited by Mr. *Pryn*) they were for facts done beyond Sea, and before the *Stat.* 1 *Hen.* 4. *ch.* 14. whereof the Common Law could then have no connusance, and therefore an extraordinary way of proceeding before the Lords was requisit, and by the Kings special authority it was done, without which (I dare boldly affirm) the Lords have no Iudicature at all; which thus I make appear.

53 Arguments proving the Lords to h no power o Judicature ver the Com mons.

1. The King by delivering the Great Seal to the Lord Keeper, makes him *Keeper of his conscience* for matter of equity; By His *Brevia patentia* to the *Iudges of the two Benches & the Exchequer*, the King makes them *administrators and interpreters of His Laws:* But he never trusts any but himself with the power of pardoning and dispensing with the rigor of the Law in Criminal cases. And though the Lord Keeper is Speaker of the Lords House of course, yet he is no Member of the Lords House *virtute Officii*: the Iud-

53 The Hous P ers no of Iudicature at all proper and *per se.*

ges are not Members, but assistants only: so that no man in the House of Peers, as he is simply a Peer, is trusted by the King either with dispensation of Law, or Equity.

2. When a Peer of Parliament, or any man else is tried before the Lords in Parliament criminally, he cannot be tryed by his Peers only, because in acts of judicature there must be a Iudg Superior, who must have his inferiors ministerial to him: therefore in the trial of the Earl of *Strafford* (as in all other trials upon life and death, in the Lords House) the King grants his Commission to the *Lord high Steward* to sit as Iudg, and the rest of the Lords are but in the nature of Iurors. So that it is the Kings Commission that Authoriseth and Distinguisheth them.

3. When a Writ of Error isueth out of the Chancery to the House of Peers, they derive their Authority meerly from that Writ.

For the three Reasons aforesaid, the House of Peers is no Court of Judicature, without the Kings special Authority granted to them, either by his Writ, or his Commission; and the Lords by their four Votes have denied all further address or application to the King, have cut off from themselves that fountain from which they derived all their power; and all trials by Commission must be upon Bills or Acts of Attainder, not by *Articles of Impeachment*, a way never heard of before this Parliament, and invented to carry on the designs of a restless impetuous faction: Had the Faction had but so much wit as to try the Gentlemen by Commission of *Oyer* and *Terminer*, before Sergeant *Wild*, he would have borrowed a point of Law to hang a hundred of them for his own preferment.

Observe, that almost all the cases cited by Mr. *Pryn* concerning the Peers trials of Commissioners were Authorised by the King upon the special instance of the House of Commons; as for the House of Commons they never pretended to any power of Iudicature, and have not so much Authority as to Administer an Oath, which every Court of Pye-Poulders hath.

54. Blank Impeachments dormant.

But this way of tryall before the pre-ingaged Lords, and upon *Articles of Impeachment* (which they keep by them of all sorts and sizes fit for every man, as in *Birchin-lane* they have suits ready made to fit every body) was the apter means to bring men

men to death, whom they feared living, had not a doubt of the Scots comming in taught them more moderation than their nature is usually acquainted with; and to fright away, (at least) put to silence the rest of the Members with fear of having their names put in blank Impeachments; and that it might be so apprehended, *Miles Corbet* moved openly in the House of Commons that they should proceed with the Impeachments which were ready, nothing wanted but to fill up the Blanks, they might put in what names they pleased. This Inquisitor General, this Prologue to the Hang-man, that looks more like a Hang-man than the Hang-man himself, hath since gotten a rich office of *Register of the Chancery*, as a reward for his double diligence: Oh Sergeant *Wild* and Mr. *Steel* despair not of a reward.

Friday 27 *Sept.* the advice of Sir *Thomas fairfax* and his Council of War was read in the House of Commons, What standing forces they ought to keep up in *England* and *Wales*, and what Garrisons; also what forces to send for *Ireland*; namely, for *Ireland*, 6000 foot, and 2400 horse, out of the supernumerary loose forces, being no part of the Army; and for *England*, upon established pay, 18000 foot at 8d. *per diem*. 7200 horse at 2s. *per diem* each Trooper, 1000 Dragoons, and 200 Fire locks, Train of Artilery, Arms and Ammunition, to be supplied. The foot to be kept in Garrisons, yet so that 6000 may be readily drawn into the Field. 59 Establish for the A

The Independent party argued, that the Army were unwilling to go for *Ireland*, pretending their engagement to the contrary; If you divide or disband any part of your Army, they will suspect you have taken up your old resolution against them, to disband the whole Army: it is now no time to discontent them, when the Kings Answers to your Propositions tend to divide you and your Army, and the people are generally disaffected to you.

The Presbyterian Party argued, that the engagement of the Army ought to be no rule to the Counsels of the Parliament; otherwise new engagements every day may prescribe the Parliament new Rules; we must look two wayes, 1 Upon the people unable to bear the burthen. 2 Upon the Army. Let us keep some power in our own hands, and not descend so far below

the Ge dignity of a Parliament, as to put all into the hands of the alr neral and his Council War. You have almost given away all u peady. The Army adviseth you to keep up your Garrisons, then a lon mature deliberation this House formerly Voted: you have mready made Garrisons manned with gallant and faithfull Sen, to whom you owe Arrears; to remove them, and place new couldiers in their rooms, will neither please them, nor the pla-es where they are quartered, who being acquainted with their old guests, will not willingly receive new in their rooms.* These men have done you as good and faithfull service as any in the Army; and were ready to obey you and go for *Ireland*, had they not been hindred by those, who under pretence of an engagement to the contrary (which they mutinously entred into) will neither obey you, nor go for *Ireland*, nor suffer others to go. Though you discharge these men without paying their Arrears, (which others of other principles will not endure) yet give them good words. If you will be served by none, but such as are of your new principles; yet consider your Army are not all alike principled, and peradventure the old principles may be as good as the new for publick, though not so fit for private designs and purposes. You have passed an Ordinance, *That none that have born Arms against the Parliament shall be imployed*: if you disband all such, your Army will be very thin; many have entred into pay there in order to do the King service, and bring the Parliament low. There is no reason you should keep up 1400 horse more than you last voted to keep up, being but 5800. at which time 60000l. a Month was thought an establishment sufficient both for *England* and *Ireland*. But now the whole charge of *England* and *Ireland* will amo unt to 114000l. a month, which must be raised upon the people, either directly and openly by way of sessement, or indirectly and closely, partly by sessements, & partly by free-quarter & other devices: nor will the pay of 2s. *per diem* to each Trooper, and 8d. to each Foot Souldier enable them to pay their quarters. If you mean to govern by the Sword, your Army is too little: if by the Laws and justice of the Land, and love of the people, your Army is too great: you can never pay them, which will occasion mutinies in the Army and ruine to the Country. Thus disputed the Presbyterians, but, to no purpose, it was carried against them.

Ob-

Observe that when the War was at the highest, the monthly tax came but to 54000 l. yet had we then the Earl of *Essex*'s Army, Sir *William Waller*'s, My Lord of *Denbigh*'s, M. Gen. *Poyntz*'s, M. Gen. *Massey*'s, Maj. Gen. *Laughorn*'s, Sir *William Brereton*'s, Sir *Th. Middleton*'s Brigades, and other forces in the field, besides Garrisons.

But now this Army hath 60000l. a month, and 20000l. a month more pretended for *Ireland*; which running all through the fingers of the Committee of the Army, 56 Monthly tax

That Kingdom (which is purposely kept in a *starving condition* to break the Lo. *Inchequins* Army, that *Ireland* may be a *receptacle for the Saints* against *England* spews them forth) hath nothing but the envy of it, the sole benefit going to this Army. This 20000l. a month being a secret unknown to the common Souldiers, the *Grandees of the Army* put it in their own purses. 57 Ireland why kept in a starving condition

Moreover, this Army hath still a kind of free-quarter, (under colour of lodging, fire and candel) for who sees not that these masterless guests upon that interest continued in our houses, do & will become Masters of all the rest? and who dares ask money for quarter of them, or accept it when it is colourably offered, without fear of farther harm? besides, the Army, (whose requests are now become Commands) demanded that they might have the leavying of this Tax, and that the accounts might be audited at the Head-quarters; and though the Officers of this Army (to catch the peoples affections) encouraged them often to Petition the Houses against Free-quarter, pretending they would forbear it, after an establishment setled upon them; the use their party in the House made of these Petitions, was to move for an Addition of 20000l. or 30000l. a month, and then they should pay their quarters, lodging, fire and candel, nay stable room too excepted.

Here it is not amiss to insert a word or two of this villanous oppression, Free-quarter; whereby we are reduced to the condition of conquered Slaves, no man being Master of his own Family, but living like Bond-slaves in their own Houses, under these *Ægyptian Taskmasters*, who are spies and intelligencers upon our words and deeds, so that every mans table is become a snare to him. In the third year of King CHARLS, the Lords 58 Free-quarter

and

and Commons in their Petition of Right (when not above 2000 or 3000 Souldiers were thinly quartered upon the people but for a month or two) complained thereof to his Majesty as a great grievance contrary to the Laws and Customes of the Realm, and humbly prayed as their right and Liberty, according to the Laws and Statutes of this Ringdom, that he would remove them, and that his people might not be so burthened in time to come, which his Majesty graciously granted. Yet now we are ten thousand times more oppressed with them, and if these quarterers offer violence or villanous usage to any man in his house or family, or commit murder or felony, they are protected against the Laws and Iustice of the Land, and *Triable only by a Council of War* at the Head-quarters, where a man can neither obtain justice, nor seek
59 it with safety. So that we live under the burthen of a perpetual
Martial Law. Army of 30000 or 40000 men, exempt from all but Martial-Law, which frequently oppresseth, seldom righteth any man: witness *Oliver Cromwel's* takin of *Thomson* (being no Souldier) from the House of Commons door with Souldiers, imprisoning and condemning him at a Council of War, where he sate Iudg in his own cause, there being a quarrel between them; yet it was held Treason in the Earl of *Strafford*, to condemn the Lord of *Valentia* so, being a Member of his Army, because it was in time of Peace, as this was. Many other examples we have of the like nature, and of this Army, enough to perswade us, that these *vindicative Saints* will not govern by the known Laws of the Land, (for which they have made us spend our money and blood) but by Martial Law, and Committee Law, grounded upon Arbitrary Ordinances of Parliament, which themselves in the first part of *exact Collections*, p. 727. confess, are not laws without the Royal assent.

This Army hath been dayly recruited without any Authority, far beyond the said number or pay established; the supernumeraries living upon free-quarter; and when complaints have been made thereof in the House, the Army being quartered in several Brigades, supernumeraries have been disbanded in one brigade, &
60 their Arms taken by their Officers, and shortly after they have
Cheats put up- been listed again in another Brigade, and their Arms sold again
on the State to the State, after a while to new Arm them. And of this sort

were

were those Arms which being found in a Magazin in Town by some Zealots, and rumoured to belong to the City for the arming of Reformado's, were upon examination found to belong to *Oliver Cromwel*: so the business was buried in silence; for though the Kings oversights must be tragically published to the world, yet the haynous crimes of the godly must lye hid under the mask of Religion.

And though they have usually taken free-quarter in one place, and taken Composition money for free quarter in another place, some of them in two or three places at once 3 s. a day, some of them 5 s for a Trooper, and 3 s. a day, and 1 s 6d. for a foot souldier, whereby no arrears are due to them, but they owe money to the State, yet they have compelled the Houses to settle upon them for pretended Arrears,

62 Arrears sec
although t
State ows
t on noth

1 The moity of the Excise (that they may have the Souldiers help in leavying it; although to flatter the people, the Army had formerly declared against the Excise.)

2 The moity of *Goldsmiths-Hall.*

3 Remainder of Bishops Lands.

4 The Customes of some Garrisons.

5 Forrest Lands.

This Army brags *They are the Saviours* (nay Conquerours) *of the Kingdom.* Let them say when they saved it, whether at the Fight at *Nazeby*, or taking in of *Oxford*, and we will pay them according to the then list. And for all the recruits taken in since the reducing of *Oxford*, it is fit they be disbanded without pay, having been taken in without, nay, against Authority, to drive on wicked designs, and enthrall King, Parliament, City, and Kingdom.

24 *Decemb.* 1647. The two Houses by their Commissioners presented to the King (at *Carisbrook-Castle*) 4 Bills to be passed as Acts of Parliament, and divers Propositions to be assented to. They are all printed, so is his Majesties Answers to them, wherefore I shall need to say the less of them, only a word or two to two of the Bills.

62 A Dethroning Bills presen ted to the Kin at *Carisbrook Castle.*

1 The Act for *raising, setling, and maintaining Forces by Sea and Land, within the Kingdoms of* England *and* Ireland, Wales, &c. (though it seems to be but for 20 years) devests the

63 Acts for the Militia.

King, his Heirs, and Successors, of the power of the Militia for ever, without hope of recovery but by repealing the said Act, which will never be in his nor in their power: for,

First, it saith, *That neither the King, nor His Heirs, or Successors, nor any other, shall exercise any power over the Militia by land or sea, but such as shall Act by authority and approbation of the said Lords and Commons:* That is, *a Committee of State* of twenty or thirty *Grandees*, to whom the two Houses shall transfer this trust, being over-awed by the Army, (for the ground-work of this Committee was laid by these words, though the Committee be erected since.)

And Secondly, it prohibiteth the King, His Heirs and Successors, &c. after the expiration of the said 20 years, to exercise any of the said powers without the consent of the said Lords and Commons, and in all cases wherein the said Lords and Commons shall declare the safety of the Kingdom to be concerned after the said 20 years expired, and shall pass any Bills for raising, Arming, &c. Forces by Land or Sea, or concerning Leavying of Money, &c. if the Royal assent to such Bils shall not be given by such a time, &c. then such Bils so passed by the Lords and Commons shall have the force of Acts of Parliament without the Royal assent. Lo, here a foundation laid to make an *Ordinance of both Houses* equal to a *Act of Parliament*, and take away the *King's Negative Voice*, if this be granted in one case, it will be taken in another, and then these subverters of our Religion, Laws, and Liberties, will turn their usurpations into a legal Tyranny.

2 It gives an unlimited Power to the two Houses to raise what Forces, and what numbers for Land and Sea, and of what persons (without exceptions) they please, and to imploy them as they shal judge fit.

3 To raise what Money they please for maintaining them, and in what sort they think fit, out of any mans Estate. This is a Tax far more Arbitrary and unlimited than Ship-money, and the more terrible because it depends upon the will and pleasure of a multitude; who to support their own tyranny, and satisfie their own hunger after other mens goods, may and do create a *necessity*, and then make that *necessity* the *law* and *rule* of their *actions*

ons and our *sufferings*: besides, they are but our fellow subjects that usurp this Dominion over us, which aggravates the indignity. If the 24 *Conservators* of the *Peace* in *Hen.* 3. time, were thought a burden to the Cómons, and called *totidem tyranni*; what will our *Grandees* prove when the *Power of the Sword* is theirs by *Act of Parliament*? Besides, if the King give them his Sword, they may take all the rest of the Propositions demanded without a Treaty.

64 Bill for adjournment the Parliam as well for place as tim

The *Bill for adjournment of both Houses to any other place, &c.* will enable the engaged Party of the two Houses and Army to adjourn the two Houses from time to time, to, or near the Headquarters of the Army; where those Members that refuse to enter into the same Engagement, shall neither sit with accómodation nor safety, and so be shaken off at last: this is a new way of *purging the Houses*. Besides, the Parliament following the motions of the Army, the King shall follow the Parliament, whereby the Army having both King and Parliament present with them, whatsoever attempt shall be made against the Army shall be said to be against the safety and Authority of the King and Parliament, and a legal Treason, triable by Indictment, not a constructive Treason only triable before the Lords.

Note this Message to the King, *plus significat quam loquitur*; though it holdeth forth but four Demands to open view, yet it includes five; for, if the King passe these four Bils, as Acts of Parliament, either He must do it by His Personal Presence in the House of Peers, or by His Commission under the Great Seal; and so consequently must confirm the Parliaments Great Seal, and all things done by it, (to the nullifying His own Great Seal at *Oxford*.) His personal presence they will not admit; for, though they pretended heretofore they took up Arms to bring *the King to his Parliament*, yet now they continue in Arms *to keep Him from His Parliament*, lest the presence of the true Sun should obscure such Meteors, and *Ignus fatui*, as they are. Though this may be Godly and Saint-like dealing, yet is it not plain nor fair dealing, *latet anguis in herba*, there is *Coloquintida*, nay death in the pot.

65 The Kings an swer debated.

Monday 3 *Ian.* the *Kings Answer* to the said *Bils* and *Propositions* was debated in the House of Commons. And first, Sir *Thomas Wroth* (*Jack Pudding* to *Prideaux* the Post-master) had his

cue to go high, and feel the pulse of the House; who spake to this purpose, *That* Bedlam *was appointed for madmen, and* Tophet *for Kings: that our Kings of late had carried themselves as if they were fit for no place but* Bedlam: that his humble motion should consist of three parts.

1 *To secure the King, and keep him close in some inland Castle with sure guards.*

2 *To draw up Articles of Impeachment against him.*

3 *To lay him by, and settle the Kingdom without him; he cared not what form of Government they set up, so it were not by Kings and Devils.*

Then Commissary *Ireton* (seeming to speak the sense of the Army, under the notion of many thousand Godly men who had ventured their lives to subdu their enemies) said after this manner,

Ireton's speech.

The King had denied safety & protection to his people by denying the four Bills; that subjection to him was but in lieu of his protection to his people; this being denied, they might well deny any more subjection to him, and settle the Kingdom without him: That it was now expected, after so long patience, they should shew their Resolution, and not desert those valiant men who had engaged for them beyond all possibility of retreat, and would never forsake the Parliament, unless the Parliament forsook them first.

After some more debate, when the House was ready for the question, *Cromwel* brought up the rear, and giving an ample Character of the valour, good affections, and godliness of the Army, argued;

Cromwel's Speech.

That it was now expected the Parliament should govern and defend the Kingdom by their own power and resolutions, and not teach the people any longer to expect safety and government from an obstinate man, whose heart God had hardned: That those men who had defended the Parliament from so many dangers with the expence of their Blood, would defend them herein with fidelity and courage against all opposition. Teach them not by neglecting your own and the Kingdoms safety (in which their own is involved) to think themselves betrayed, and left hereafter to the rage and malice of an irreconcilable enemy whom they have subdued for your sake; and therefore are likely to find His future Government of them insupportable, and fuller of Revenge than Justice, lest despair teach them to seek their safety by some other means than adhering to

you,

you, who will not stick to your selves; and how destructive such a resolution in them will be to you all, I tremble to think, and leave you to judge.

Observe, he laid his hand upon his Sword at the latter end of his speech; that Sword that being by his side could not keep him from trembling when S. *Philip Stapleton* baffled him in the House of Commons.

This concluding Speech having something of menace in it, was thought very prevalent with the House.

66 The 4 Bills no addresses nor applications passed.

The first of the four questions being put, *That the two Houses should make no more Addresses nor Applications to the King*; the House of Commons was divided, 141 *yeas*, to 91 *noes*, so it was carried in the Affirmative.

The other three Votes followed these Votes with facility: See them in print. Upon the last of these 4 Votes the House was divided, and candels were Voted to be brought it only to tell the House; yet (contrary to the said Order) when the candels were in, they proceeded farther, as followeth:

67 The Committee of Safety revived.

The Members had been locked into the House of Commons from before nine of the clock in the morning to seven at night, and then the doors were unlocked, and what Members would, suffered to go forth, whereby many Presbyterians thinking the House had been upon rising, departed, when presently the House being grown thin) the Vote to revive the Committee of both Kingdōs called *the Committee of Safety at* Derby house, passed by Ordinance dated 3 *Jan.* 1647. in these words; *Resolved, &c. That the powers formerly granted by both Houses to the Committee of both Kingdoms*, (viz. England *and* Scotland) *in relation to the two Kingdoms of* England *and* Ireland, *are now granted and vested in the Members of both Houses only that are of that Committee, with power to them alone, to put the same in execution.* The original Ordinance that first erected this Committee, and to which this said Ordinance relates, beareth date 7 *February* 1643. in which the English Committees were appointed from time to time, to propound to the Scotish Commissioners whatsoever they should receive in charge from both Houses, and to make report to both Houses, to direct the managing of the War, and to keep good correspondency with forein States, and to receive directions from

from time to time from both Houses, and to continue for three months and no longer. But this Ordinance, 3 *January* 1647. vests the said power in the Members thereof only, and alone: words excluding the two Houses; and for a time indefinite.

* There were then added to this Committee, *Nathaniel Fiennes*, in place of Sir *Phil. Stapleton*; Sir *John Evelin junior* in place of M Recorder; and the Earl of *Kent*, instead of the Earl of *Essex*. 22 *Jan.* following, the Lords sent down a Message for a farther power to this Committee; which was granted in these words, *Power to suppress Tumults and Insurrections in* England *&c. and at* Barwick; *and for that purpose the Committee to have power to give Orders and Directions to all the Militia and Forces of the Kingdom.* The addition of four Lords and eight Commoners likewise to this Committee was desired, but denyed.

* The Members of this Committee are now, the E. of *Northumberland*, *Robert* E. *of Warwick*, the E of *Kent*, *Ed.* E. of *Manchester*, *Will.* L. *Say* and *Seal*, *Pet.* L. *Wharton*, *Jo.* L. *Roberts*, *Will. Pierrepoint*, Sir *Hen. Vane* sen. Sr. *Gilbert Gerrard*, Sr. *Will. Armine*, Sr. *Ar. Hasterig*, Sr. *Hen Vane* jun. *Jo. Crew*, *Rob. Wallope*, *Oliver* St. *Johns*, Sol. *O. Cromwel*, *Sam. Brown*, *Natha. Fiennes* Sr. *Jo. Evelin* junior.

63 *Whitehall* and the *Mews* Garrisoned.

Friday 14 *January*, after a long debate, it was ordered that Sir *Lewis Dives*, Sir *John Stowel*, and *David Jenkins*, be tryed as Traytors at the Kings Bench; the Grand Jury had found the Bill against *Jenkins*. Mr Solicitor, &c. appointed to manage this business, * but *Jenkins* is so great a Lawyer, that the Solicitor durst not venture upon him, the long Sword being more powerfull in his mouth than the Law; wherefore the Solicitor found an Errour in the indictment, turned him back again upon the House to be impeached before the Lords, to whose Jurisdiction he pleaded: so the Solicitor put the affront from himself upon the Houses. It was now twelve of the clock, and many of the Independent party began to cry, *Rise*, *rise*; The Presbyterians thinking all had been done, many went to Dinner, yet the Independents sate still, and finding the House for their turn, moved, *That a Letter might be forthwith sent to Sir Thomas Fairfax, to send a convenient number of Foot to Garrison* White-hall, *and a party of Horse to quarter in the* Mews. The Lords concurrence was not desired to this Vote, but the Letters immediately drawn and sent.

* See Judge *Jenkins*'s Remonstrance to the Lords and Commons of Parliament, 21. *Feb.* 1647.

Observe, that before this Vote passed, divers forces were upon

upon their March towards the Town, and came to *White-hall* Saturday following by eight of the Clock in the morning.

Saturday 15 *Jan.* The Army sent a Declaration to the House of Commons, *Thanking them for their 4 Votes against the King*, promising them *to live and die with the Commons, in defence of them against all Opponents.* 69 The Armies Declaration thanking the Commons for their 4 Votes.

Many of the Lords had argued very hotly against the said four Votes, insomuch that it was 10 Lords to 10; but this engagement of the Army, and the unexpected garrisoning of *White-hall*, and the *Mews*, turned the scales; so that they passed the said 4 Votes, only adding a short preamble (little to the purpose) holding forth some reasons for passing them, to which the Commons, when they came down, assented. When presently (about twelve of the clock the House being thin) *Dennis Bond* moved, *That whosoever should act against these 4 Votes, or incite others to act against them, should be imprisoned and sequestred.* 70 The Lords pass the 4 Votes.

Three or four days after the Lords had passed the said 4 Votes, the Army vouchsafed to spit thanks in their mouthes, and make much of them. These 4 Votes were generally sinisterly taken, and filled mens minds with suspition, what form of Government the Grandees would set up, now they had laid by the King; and every mans mind presaged a new War, which they conceived the Independent Grandees were willing to have, to colour their keeping up this Army, and raising money to maintain them; and every man began to lay the project of a new war at their dore: notwithstanding, (by way of prevention) they had Impeached divers Members, and Citizens of *London*, for endeavouring a new War, when they did but raise men for their self-defence. 71 The Army thanks the Lords.

To shew the people therefore the reason of these 4 Votes, the Independent Grandees appointed a Committee to search into the Kings conversation and errors of his Government, and publish them in a Declaration to the World: wherein they objected many high crimes against Him, concerning His Fathers death, the loss of *Rochel*, and the Massacre and Rebellion in *Ireland*: which upon debate in the House, were very much moderated by the Presbyterians; of which Declaration I will only say, that they have set forth no new matter therein, which they have not formerly published in parcels, since which time they have 72 The Declaration against the King.

have taken, and caused others to take the National Covenant, whereby *they vow to maintain the Kings Person, Crown and Dignity, in defence of Religion, Laws and Liberties*: and therefore to reprint only the same things as Arguments to lay by the King, savours more of design, than justice.

I will wade no farther in the censure of the said Declaration, lest I imitate the Authors of it; and as they by a feeble accusation have done the King much right, so I by a weak defence should do him much wrong.

73 *Tho. Haslerig's Letter concerning the King.*

The people were as ill satisfied with this Declaration, as with the 4 Votes; wherefore (24 *Feb.*) Mr. Speaker, with much seriousness, presented to the House a Letter out of *Leicester-shire* from *Thomas Haslerig*, (brother to Sir *Arthur*) which was read, to this purpose, *That there was one Mr.* Smalling, *a Committee man of* Leicester-shire, *who had been a Deputy examiner in the* Star-Chamber, *and affirmed, that above twenty years since there being a Sute in* Star-Chamber *between the Earl of* Bristol *Complainant, and the Duke of* Buckingham *Defendant, concerning Physick presumptuously administred by the said Duke to King* James; *the said* Smalling *took many Depositions therein, and was farther proceeding in the Examinations, until a Warrant, signed by the King, was brought him, commanding him to surcease, and to send him the Depositions already taken; which* Smalling *did: yet kept notes by him of the Principal passages, doubting what farther proceedings might be hereafter in a business of such importance.* Sir *Henry Mildmay* moved that *Smalling* be sent for, and examined upon Oath by the Committee that penned the said Declaration; but upon motion of the Presbyterians, he was Ordered to be examined at the Commons Bar. *Smalling* came, produced the Warrant, but no Notes, so this *Chimæra* vanished.

What the said Committee would have made of this, who knows? God bless us all from clandestine examinations, especially when they are taken by parties pre-ingaged.

3 *Caroli*, This business had been ventilated and examined against the Duke, and no mention made of poysoning or killing King *James*; it was then only called, *An Act of high presumption and dangerous consequence in the Duke*: nor was there then the least reflection upon King *Charles*; yet now because King *Charles* dissolved

dissolved that Parliament, the Independent party were willing to raise a suspition against him concerning His Fathers death: whereas the accusation against the Duke of *Buckingham*, 3 *Caroli*, contained 7 or 8 Charges against him, the least whereof might occasion the dissolving of that Parliament.

These desperate courses (to dishonour the *King*, and make Him uncapable of Government, to ruine His Person, Crown and Dignity, and extirpate Monarchy root and branch) were taken in order to the *usurping the Kingly power into the Grandees of the Parliament and Army*, and in case they could not purge the two Houses, and make them wholly Independent, (which they now despair of) then into the Hands of the Committee, or Council of State at *Derby-house*, and *Grandees* of the Army. In order to which, they are now contriving to strengthen the said Committee with more power and more Members, and to adjourn the Parliament, and send down the Presbyterian Members into the Country upon pretence of service, where if any Tumults happen (for which their extortions will give sufficient provocation) the said dissenting Members shall bear the blame; and have blank Impeachments given them to purge them out of the Houses, if not out of the world, or at least be sequestred: for now they have squeezed what they can out of the Kings party by Sequestrations, the next fewel to their covetousness is to sequester the Presbyterians; and then to sequester one another: for they are already divided into *Pure Independents* and *Mixed Independents*, and have feuds amongst themselves, for this faction (insatiate with money and blood) are all beasts of prey; and when they want prey, will prey one upon another: nor shall the Houses meet above one month or two in a year to ratifie and approve what *Derby-house*, and the *Junto* of the Army shall dictate to them; and to give an account to the domineering party how each Member hath carried himself in the Country. Thus instead of *one King*, we shall have *twenty* or *thirty Tyrants* in chief, and as many subordinate Tyrants as they please to imploy under them, with the Iron yoak of an Army to hold us in subjection to their Arbitrary Government.

74 Why the Independents were so high against the King: They usurp the regal power into themselves, either in the House purged, or in the Committee of Safety at *Derby house*.

75 Why the Grandees do still continue to truck with the King notwithstanding the said 4 Votes,

Notwithstanding the aforesaid four Votes and Resolutions, the Cabal of *Grandees* still keep *Ashburnham* and *Barkley* in the

Army, and have sent divers Turn-coat Cavaliers and Emissaries under-hand disguised to the King, who pretending that by Bribes they had bought their admission to Him, after some insinuations endeavour with false and deceitfull news and arguments to shake His constancy, and perswade him to pass the said 4 dethroning Bils, (for these Usurpers of Sovereign Authority long to turn their armed and violent Tyranny into a legal Tyranny) or (at least) to make him *declare against the Scots coming in*. In both which cases He will dis-hearten His Friends (who endeavour to take the golden reigns of Government out of the gripes of these *Phaetons*, and restore them again to His hand) unking Himself and His Posterity for ever, be carried up and down like a stalking Horse to their Designs, and be Crowned *Ludibrio Coronæ*, with straw or thorns. For who can think that at the end of twenty years, these Usurpers will lay down what they have so unjustly, contrary to all Laws, Divine and Humane, and contrary to their own Declarations, Oathes and Covenants, extorted? And who can, or dare, wrest these powers out of their hands, being once setled & grown customary in them; the peoples spirits broken with an habitual servitude; a numerous Army and Garrisons hovering over them; and all places of Iudicature filled with corrupt Iudges, who shall by constrained interpretations of the Law, force bloody presidents out of them, against whosoever shall dare to be so good a Patriot as to oppose their Tyranny? They could make *Steel* sharp enough to cut Captain *Burlies* throat for attempting to rescue the King out of the hands of a *Rebellious Army, that neither obeys King nor Parliament*, will find gold and silver enough to *corrupt all the Iudges*: the mean to prefer and make them *Wild* and *vild* enough for their purposes. But it is hoped He hath more of a King, more of man in Him than to leese his Principles, and stumble again at the same stone, dash again upon the same Rock, whatsoever Syrens sing upon it; knowing He hath a Son at liberty to revenge His wrongs, all the Princes of Christendom His Allies, whose common cause is controverted in His sufferings; the greatest men of *England* and *Scotland* of His blood, and the People generally (whose fartheſt design was, to preserve their Laws and Liberties, and to defend the Parliament from being conquered by the Sword)

Sword) looking with an angry look upon these Seducers, who by insensible degrees, and many forgeries have ingaged them further than they intended, not to the *Defence of Religion, Laws, and Liberties*, but to *the setting up of Schism, Committee Law, and Martial Law, Impeachments before the Lords, and unlimited slavery.*

And I am confident this Faction despair of working upon the King, who like a Rock is *mediis tutissimus undis*, whatsoever reports they give out to the contrary, having from the beginning made lies their refuge, which being wisely foreseen by the King, He sent a Message to both Houses, (by way of prevention) delivered in the Painted Chamber by the Lord of *Louderdale*, one of the Scots Commissioners, consisting of three heads,

1 *That He was taken from* Holdenby *against His will.*

2 *That they should maintain the Honour and Privileges of Parliament.*

3 *That they should believe no Message as coming from Him during His Restraint in the Army, but should only credit what they received from His own mouth.*

These Grandees have cheated all the interests of the Kingdom, and have lately attempted the City again, and had the repulse. But the King is their old Customer, and hath been often cheated by them, and having him in strict custody, peradventure they may perswade Him it is for His safety to be deceived once more: wherefore (notwithstanding their many endeavours to root up Monarchy, dethrone the King, and His Posterity, and usurp his power; in order to which, they have over-whelmed Him, and all His, with innumerable calamities and reproaches) yet since the passing of the Declaration against the King, their desperate condition hath enforced them to make new Addresses in private to Him, notwithstanding their four Votes inflicting the *penalties of Treason upon the Infringers*: But Treason is as natural to *Cromwel*, as *false accusing, protesting*, and *lying*; he is so superlative a Traytor, that the Laws can lay no hold on him. Lieutenant Colonel *Lilburn* in a verbal Charge delivered at the Commons Bar, accused him of many Treasonable Acts, which he avowed to make good: and in his Book, called, *A Plea for a Habeas Corpus*: But as if *Cromwel* were a Traytor *cum privilegio*,

the House of Commons, (being under their Armed Guards) dares take no notice of it. But the *Roman Tribune* said to *Scipio Africanus*, in *Livy*, *Qui jus aquum ferre non potest, in eum vim haud injustam fore*, he that exalts himself above the Law, ought not to be protected by the Law.

To conclude, *Cromwel* hath lately had private conference at *Farnham* with *Hammond*.

The Earl of *Southampton* hath been courted to negotiate with the King, and offered the two Speakers hands for his warrant.

Capt. *Titus* taken into favour and imployed that way.

The *Grandees* have brought themselves into a mist, and now wander from one fooliſh design to another.

The Spaniard is said to forecast in his debates, what will happen forty years after. But these publind Politicians do not foresee the event of their Council forty days, nay hours beforehand; but it is a curse laid upon wicked men, to grope at noon day.

76
D bates in the Hou. of Commons upon the Scots Letters Concerning the 4 Votes.

About the 5 or 6 of *Jan.* 1647. the Scots Commissioners had written certain Letters to the House of Commons; one whereof *repeating the 4 Votes against the King*, propounded to know, *whether the Houses by their Votes, That no person whatsoever do presume to make or receive any Application or address to, or from the King, would debar the* Scots *to make or receive any Addresses to, or from Him, and so put an incapacity upon Him to perform acts of Government towards them*. In the debate the Independents called to mind a more antient Vote, whereby it was Ordered, *That the* Scots *might be admitted to the King*. Against which was alleged, *That these latter Votes, being made general, without exception, Repealed that former Vote*. At last by an interpretative Vote it was concluded *That notwithstanding the said four latter Votes*, the former Vote, *That the* Scots *Commissioners might make Addresses to the King*, was still in force. Observe that this was done four or five days after the Scots Comissioners were on their way towards *Scotland*.

Concerning 100000l. due to the Scots.

The second Letter was concerning 100000l. due by contract to the Scots from the Parliament, whereof 50000l. was payable by assignment to divers Scots Gentlemen who had advanced money to hasten the Scots Army to our relief; whereof 10000l, was payable to the Earl of *Argyle*.

Sir

Sir *Henry Mildmay* made a long Speech in praise of *Argyle*; saying *That he and his party, and the Scotish Clergy, were the only men that upheld the English interest in* Scotland, *and were better friends to us than all* Scotland *besides*: wherefore he moved, that *Argyle* might be paid his 100000l. and the rest continued at interest, at 8 l. *per cent.* Presently the whole Independent gang, with much zeal, and little discretion, ran that way, until more moderate men stopping them in full cry, minded them what dishonour and danger they might bring their friend into by laying him open to suspition.

77 Six Commissioners sent into *Scotland*.

After this it was resolved to send 4 Commons and 2 Lords into *Scotland* as Commissioners, with instructions. To send all Independents, would not be acceptable; 2. Presbyterian Commoners therefore were sent, one whereof was sweetned with the guift of 1000l. and an Office, before they would trust him: with them were sent Mr. *Hearl*, and Mr. *Marshal*.

78 Mr. *Marshal*

Marshal, when he saw Independency prevail, had secretly turned his coat the wrong side outward, and joyned interest with M. *Nye*; but before he declared himself, he was to do some service for his new party: wherefore when the Army looked with a threatning posture upon the Parliament and City, before they marched through *London*, (the common Souldiers being in such discontent for want of pay, that they were ready to mutiny and disband, and their Officers scarce daring to Govern them) the first fruits of *Marshal*'s service to his new friends, was, to perswade the City to lend the Parliament 50000l. to pacifie the Souldiers: assuring them by Letters, that the *Army had nothing but good thoughts towards the City, only the common Souldiers were troubled for want of Pay*: After the City had laid down the said 50000l. his next labour was, to perswade the Citizens to *let the Army march through the City without opposition, for avoyding of bloodshed and firing; and to let them possess the Tower, and Line of Communication.* After these services, the *Grandees* of the Parliament and Army finding him suitable to them, received him into an avowed favour, and then four Independents and four Presbyterian Divines (conjoyning their Interests) were sent to season the Army, and new tune them according to the more modern design. *Marshal* was one, where, after he had preached according to

the Dictates of the Grandees of the two Houses and Army for divers weeks, *Marshal* was thought fit to attend the Commissioners into *Scotland*: He and Master *Nye* had been sent to *Carisbroke Castle* formerly with those Commissioners that carryed the 4 Bils to the King, and had 500l. a piece given them for their journey.

Scotland, a longer journey, promised a larger reward; it is good being a Postilion of the Gospel at such rates.

The Sunday before he went, he preached at *Margarets Westminster*, and as much cried up Presbytery and the Covenant there, as he had before slighted them in the Army. This was a *Preparation Sermon*, to make him acceptable to the Scots, that he might cajole them the easier. Before he went he sent his Agents from house to house at *Westminster*, to beg mens good wills towards his journey. He was willing upon this pretence to get what he could from St. *Margarets* Parish, where he found the people to grow cold in their affections, and contributions to him. Wherfore having made his bargain before he went, to leave St. *Margarets*, and officiate in the *Abby* where he is to have 300l. *per annum* certain allowance, he would rob the *Ægyptians* at Saint *Margarets* for a parting blow. This Priest married his own Daughter with the Book of Common prayer and a Ring, and gave for reason, *that the Statute establishing that Liturgie was not yet repealed, & he was loath to have his Daughter whored and turned back upon him for want of a Legal Marriage*: Yet he can declare against all use of it by others. He hath so long cursed *Meroz* and *neutrality*, that he hath brought Gods curse upon the Land, and hath put Church and Commonwealth into a *flame*, but himself and his Brats have *warmed their fingers at it*: as Monies are decried or enhaunsed by the Kings Authority, so is every mans Religion cried up or down by *Marshal*'s authority and stamp.

About the 24 of *Febru.* the *Answer* to the *Scots Declaration* began to be debated in parts: in which Debate the *Covenant* was much undervalued, and called, *An Almanack out of Date*. Divines argued against it, That that clause in the Covenant, [*To Defend the Kings Person, Crown, and Dignity*, &c.] was inconsistent with their four Votes, *for making no Addresses to the KING*: To which was answered by some, *That*

76 The Answer to the Scots Declarations.

That then they would relinquish the four Votes and adhere to the Covenant.

About the beginning of *March*, was given to Col. *Sydenham* and Col. *Bingham* 1000l. a piece as part of their Arrears; their Accounts not yet stated. To the Lord *Broghil* 2000l. To Mr. *Fenwick* 500l. for losses. To Mr. *Millington* 2000l. for losses. To Col. *Ven* 4000l. notwithstanding it was moved he might first account for Contribution money, the plunder of the Country about *Windsor*, and the Kings Houshold-stuff, Hangings, Linnen, and Bedding. Mr. *Purie* the Petty-bag office, besides 1000l. formerly given him. To *Purie's* Son, the Clerk of the Peaces place, and 100l. a year: all *Independents*.

So
Money
among
Member

The 7 of *March*, an Ordinance passed the Commons to settle 2500l. a year land, out of the Marques of *Worcesters* estate, upon Lieut. Gen. *Oliver Cromwel*. I have heard some Gentlemen, that know the Mannor of *Chepstow*, and the rest of the Lands setled upon him, affirm, that in the particulars the said lands are so favourably rated, that they are worth 5000l. or 6000l. a year: It is farther said those lands are bravely wooded. You see though they have not made King CHARLES *a glorious King*, as they promised, yet they have setled a *Crown Revenue* upon *Oliver*, and have made him as great and glorious a *K.* as ever *John of Leyden* was. Wonder not that they conspire to keep up this Army, as well to make good these Largesses, as to keep their guilty heads upon their Shoulders.

8
Cromwe

Thursday 9 *March*, the Lords sent a Message to the House of Commons, *To desire their concurrence to the Ingagement of those Members that fled to the Army, to live and die with the Army.* It was debated all day untill 7 of the clock at night; and at last the question put, *That this House doth approve the subscription of the said Members to the said Ingagement.* The House divided upon the question, *yeas* 100. *noes* 91.

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threats.

Observe, 1 that Mr Solicitor *Hasterig*, and many more, when they perceived difficulty in passing it, began to skirmish with their long Sword again. And many told them, *they must live content without dores* (meaning the Army) *as well as within, else all would go naught.*

2. 94 Of those Members that ingaged with the Army sate in the

the House, and Voted in their own case; many of them carrying themselves very high and insolent in their jestures and expressions.

3 Many Presbyterians left the House because it was late; and some (as it is thought) not daring to Vote in the Negative.

4 This Engagement about six months ago had been sent to the Commons by the Lords, once or twice, and was rejected; yet now was obtruded upon them again by the Lords, who would not acquiesce, contrary to the privileges of the House of Commons.

5 This approbation thus surreptiously gotten, is equal to a Pardon sued forth before Conviction, which in Law amounteth to a Confession of the Crime.

83 The temper of the House tried, had the Ingagement not been approved, a new Charge from the Army intended.

6 The *Agitators* tel you in *Derby-house Projects*, pag. 7. *That this Engagement was sent down to the Commons to try the temper of the House, and if the House had not approved of the Engagement, the resolution of their secret Counsel was to fly to their Arms, and make a new Charge against their principal opposers*; for they acknowledge amongst themselves, *That they Rule by Power only, and that the House of Commons is no longer theirs than they overawe them, and that they fear the Critical day will come which will discover the Parliament to be no longer theirs than while they have a force upon it.*

As men ready to sink embrace every shadow of help, and catch hold of leaves, twigs, and bulrushes, to support them; so these desperate and purblind protectors, having engaged themselves in a way of Tyranny, out of which they can find no issue, lay hold of frivolous inventions to peece up from time to time their ill-laid designs, like the man in the parable, *That patched up his old Garment with new cloath, which breaking out again left the rent wider than it was before.*

84 A project to unite all Interests.

Their last project was *to unite all Interests in the Houses, City, and Army*; To which purpose *Cromwel* (the heaviest, basest, and most ridiculous Tyrant that ever any noble Nation groned under) made a Speech in the House of Commons: To which was Answered, *That the Members were chosen and trusted by the people, to pursue one common Interest*, which was, *the common good, the safety and Liberty of the People, and whosoever had any peculiar Interest*

eccentrick

eccentrick from that, was not fit to sit in that Assembly, and deserved to be called to a strict account by those that trusted him.

Observe, that the extent of this project was to conjoyn these *three Interests* from upholding the greatnesse of the *Grandees*, in the *Parliament*, *City*, and *Army*; for in all three the vulger multitude, and the more modest and honest sort, are but in the same condition with other men: the Parliament bearing the *Authority*, the Army the *Sword*, and the City the *purse*.

The *first*, shall be the Task-masters, and impose Tribute.

The *second*, the Sheriffs, or rather free-booters, to leavy it by distresse.

And the *third*, the Brokers, to receive and buy it off.

But it pleased God to bestow so much providence and integrity upon the City, that when upon Saturday 8. *April*, 1646. *Cromwel* and his fellow *Grandees* offered this temptation (at a Common-Councel) to them,

The City grew wiser than our first Parents, and rejected the Serpent and his subtilties, insomuch that *Cromwel* netled with the affront, called his Solicitor *Glover* to account by what Authority he had offered the *restitution of the Tower and Militia, and the inlargement of their accused Aldermen:* who answered, *he did it by his Authority*, and delivered him a Warrant to that purpose, signed by Sir *Thomas Fairfax*, *Oliver Cromwell*, Mr. Solicitor, and young Sir *Henry Vane*, which *Cromwell* had the impudence to put in his pocket.

Cromwell had felt the pulse of the City long before by his Agents *Glover* and *Watkins*, and found them averse from complying with him: wherefore (being a man of an early, as well as an implacable malice) he (by the advice of the Committee of *Derby-house*) cast about with the Schismatical Lord Mayor *Warner*, (he that raised the ridiculous Tumult at Christmas about Rosemary and Bayes, a man that had been chosen Mayor by power of Parliament, (out of course) to carry on the design of the faction) and with the Lieutenant of the Tower, how to put the City into some distemper, of which they might take advantage. The Citizens were well acquainted with their jugling tricks, they had no hopes to work upon them: wherefore they contrived how to put a provocation upon the silly Apprentice Boys, and put them

See the Argument against all accommodation between the City and Grandees, &c. and the seasonable caution to the City, printed at the latter end of this Book.

85

A device to put the Apprentices into a Tumult.

forth into some rash action, of which they might make use to carry on their designes against the whole City: wherefore upon Easter-day, 1648. in the evening some few apprentices playing in *Finnisbury fields*, some Souldiers were sent to drive them away; which they did, and imprisoned some of them for not readily obeying: upon Sunday following, 9 *April*, divers Apprentices being at play (according to custome) in *Moor-fields*, the Mayor sent Capt *Gale* (one of the new Captains of the Hamlets, a Silk-Throster, and a Tub-preacher, and one that ran away at the fight at *Newbury wash*, and hid himself in a Ditch, as my L. *Wharton* at the Battle of *Keynton* hid himself in a Saw-pit) thither to disturb them, with about 50 or 60 of his Trained Band, and no more; (that he might the better encourage the Boys to resist him) who surlily asking them *What they did there?* some of them answered, *they did no harm but only play; and since all Holy dayes have been Voted down, they had no other time of Recreation*: The Captain insolently commanded them to *be gone*; they replyed, *he had no authority so to do*, and continued playing: whereupon the Captain commanded his Musquetiers to *shoot amongst them*; which they forbearing, he took a Musquet himself, and dischard arged amongst them, when presently two or three schismatical Musquetiers of his Company following his example, discharged upon them likewise, and killed (or, as the Schismaticks say, wounded only) one of the Boyes: whereat the Boys making a great out-cry, more company gathered to them, and so with stones, brick-bats, and sticks, they dispersed the Trained Band, and at last got their Colours, and instantly in a childish jollity marched (un-armed as they were) towards the *Mewes*, when presently a party of Horse (ready prepared for this forelaid design) met them, charged, and with ease routed them; *Cromwel* himself animating the Troopers *to shoot and spit them, and to spare neither man woman nor child.* All Sunday night the Apprentices kept in a body in the City, locked the City gates, but set no guards upon them; whereby you may see this businesse proceeded meerly from the rash and unpremeditated folly of Children, not from the advice of Men: howsoever the Independent faction in the House of Commons have since aggravated it: to countenance their future cruelty and rapines upon the City. Monday morning Sir *Tho. Fairfax* sent a strong

strong party into the City, who fell upon the Boyish rabble, routed and killed many, and shot poor Women great with Child, sitting in their stalls, one whereof the Child lived two hours in her belly after her brains were shot out: a man likewise not knowing of their coming, as he was drinking Milk at the corner of a street, was shot (as it were) in sport: as they rid, they cryed, *Cuckolds keep your Houses*, cutting and wounding all they met; *Cromwel* (who followed in the Reer safe enough; the Van having cleered the streets before him) cried out to them to *Fire the City*. Oh *Oliver*! what a barbarous *John of Leyden* art thou become? Oh *London*! how wretched a *Munster* wilt thou become? at last they drove those silly unarmed wretches into *Leaden-hall*, and took many of them Prisoners, none of the Trained Bands, nor Citizens, appearing to help those poor Boys, but leaving the Souldiers to get a bloody and boyish Triumph over them, as they pleased; they are now imprisoned in *Cromwels* shambles at *White-hall*. This is the truth of the businesse, notwithstanding, the long-winded lying report made by Alderman *Fouks*, at the Commons Barra man that hath feather'd his nest well these miserable times, and hath much publick money sticking to his fingers; who, when he gave in his accompt before the General Committee of Accounts, refused to give it in upon Oath, (as other men did) alleging *Magna Charta, that no man was bound to accuse himself*. It should seem he had something in his Conscience that would not endure the test of an Oath: but he is one of the Godly, and therefore the good things of this world belong unto him.

The House of Commons (upon this occasion) gave 1000 l. to the Souldiers for their valorous exploit, and Voted 1000 Foot, and 100 Horse to be kept in the *Tower*. The Garrisons of *Whitehall* and the *Mewes* to be strengthned: 3 Barges capable of 50 Musqetiers apiece to lie at *Whitehall* for the Souldiers to convey themselves to any landing-place to disperse such watermen as shall assemble: The City Chains to be taken away from their Posts, and a Commission of *Oyer* and *Terminer* to issue forth to murder more of these Children legally.

The Mayor having kindled this fire in the City, stole out at a window disguised, and hid his foolish head in the Tower:

The House of Commons (over-ruled by the Grandees) Voted a day of thanksgiving for this delivery. So bold are these Saints, as to mock Gods holy name with impious devotions to colour their designs.

8 5 The Lord *Inchiquin*, president of *Munster*, and General of the Army there, had a long time been heaved at by the Independent faction. The Lord *Lisle*, (who gaped after his imployment) Sir *John Temple*, *Cromwell*, the Lord *Broughall*, Sir *Arthur* and Sir *Adam Loftus*, and others: who by obstructing all supplies of Money, Ammunition, Victual, Cloathes, laboured to mutiny and disband his Army, that they might send Schismaticks of their own party to Lord it there, as they do here, and keep *Ireland* as a Retreat for the Saints: for the better effecting whereof they sent over many Emissaries, whom they had commended to him, to be officers in his Army. When this would not doe, they Printed scandalous Articles against him, and put infinite provocations upon him to incite him to doe that which they falsly accused him to have done already; But the many gallant services he performed since the publishing those Articles gave them the lie, and confuted all their slanders: at last (under colour of sending a supply of forces to him) they projected to surprise him, and bring him away prisoner; so that he hath suffered all the convulsions that treacherous friends, and malicious enemies could put upon him. And lately (for the more close conveyance of the design) the Houses sent three Commissioners towards *Ireland*, to survey his Actions; but (as if it were purposely done) when the Commissioners came as far on their way as *Bristol*, about a dozen renegado Officers of his Army met the Commissioners and turned them back again. The said Officers posted up to the Parliament before the Commissioners, and the 13 *April* were called in to the Commons Bar, where they made a relation to the House to this purpose; That the Lord *Inchiquin* having made an expedition into the County of *Kerry*, upon his return, sent for these Officers into his presence Chamber, and told them, *He intended to declare against the Army and Independent party in* England, *who kept the King and Parliament under a force, That he would stand for the Liberty of the King and Parliament, and a free Conference to settle Peace; and that he expected all his Officers should*

The Lord *Inchiquin*.

should joyn with him in so honourable an undertaking; but should take an Oath of secrecy, before he discovered himself further to them. They Answered, *They could make no such Oath before they knew whether they might with a safe conscience keep it*, saying, *they would be true to the Parliament.* My Lord *Inchiquin* replied, *So have I, and will be; delude me not with ambiguous words, do you mean this pretended Parliament?* telling them farther, *he had good correspondence with all the Presbyterians in* Scotland *and* England, *as well in the Parliament, as out of it; that he doubted not to go through with his undertaking; and if the worst hapned, to make good conditions for himself and his party. That he would make peace with my Lord* Taff, *(and that he knew the* Independents *in* England *were upon Treaty with* Owen Roe Oneal *) who was a man of their humour, and loved to keep all in combustion.* They refused to joyn, he dismissed them for *England.* The same day Letters from Capt. *John Crowthen* (Vice-Admiral of the Irish Seas) from a shipboard, were read in the House, much to the same purpose, though not so large: wherein he said, *He had already blocked up all my Lord* Inchiquin's *Havens.*

87
Allen the Goldsmith moveth to put the House to the touch by some Covenant, Declaration, &c.

Presently *Allen* the Goldsmith moved, *That since the Lord* Inchiquin *had discovered that he had a correspondency with the Presbyterians in the House, before they dealt with their Enemies without dores, they should try who were their Enemies within dores, by putting all men to some Covenant, Engagement, or Protestation, &c.* And Lieutenant General *Cromwell* said, *That being to debate this business to morrow, whosoever with crosse Arguments shall spin out the debate, and so retard our proceedings, (by my consent) shall be noted with a Black Coal:* to which was answered, *That this tended to take away freedom of debate, which was the life of Parliaments, and of all Councils; and was destructive to the very being of Parliaments.*

It is not amisse to insert here by way of digression, what I formerly omitted: Sir *Henry Mildmay* long since moved, *That* 150 *rich Guard Coats of the King, might be sold for* 800 l. *to find Fire and Candle for the Souldiers in* White-hall. The question put: The Speaker gave judgement, *the Yeas had it.* Mr. *Edward Stephens* declared *the Noes had it.* They were unwilling to divide upon such a question: but Mr. *Stephens* persisted; and *Robert Reynolds*

said aloud, *notice shall be taken of him for putting such a dishonour upon the House.* Vpon the Division, the *Noes* carried it by nine voices. Thereupon, complaint was made against *Reynolds*, for *attempting against the liberty of Voting*, but no redresse.

But to returne from my digression: the next day (14 of *April*) it was moved that my Lord *Inchiquin's* Son, a Child of 8 or 9 years old, going to School at *Thistleworth*, *might be secured in the Tower and kept for a Hostage.* To which was Answered, *That no man could take an Hostage without consent: an Hostage must be given upon the publique faith, upon some stipulation, and must be so received, by mutual agreement; you cannot punish the child for the Fathers fault*; yet he was voted to the Tower, and sent. My Lord *Inchiquin's* Commission as President of *Munster*, and General of the Army, Voted *void, and no man to obey him*, himself Voted a *Traitor*; yet no man examined upon Oath against him, nor any man sent to take information of the businesse into *Ireland*, and his professed enemy the Lord *Lisle*, is to go General into *Munster* in his room; and the said fugitive Officers all rewarded, as if they had brought acceptable news.

This day *Reynolds* revived *Allens* motion for *putting the Members to the Test, by some Covenant, Protestation, or Declaration, subscribed, That this is a free Parliament, and that they would live and die with this Parliament and Army*: To which was answered,

1. That by Ordinance of both Houses, all men were enjoyned to take the National Covenant. This Covenant is the true Touchstone of the Parliament, and so agreed upon by the wisdom of both Nations; yet many sit here who refuse to obey this Ordinance: I know no reason therefore why any man should obey you in any other Ordinance of this Nature: let us keep the old Covenant before we takea ny new.

2. It hath been moved in the House, that the Oathes of Iustices of Peace, and Sheriff, might be taken away: I hope you will not abolish legal Oathes, and impose illegal Oathes. This House hath not so much Authority, as to administer an Oath, much more to impose one: you must allow to others that liberty of Conscience which you demand for your selves.

3. Major *Gray* told you my Lord *Inchiquin* said he had correspondency with all the Presbyterians in the House, who had

made

made their peace with the King. But my Lord *Inchiquin* told him farther, the Independents were upon Treaty with *Owen Roe*, and *Oneal*, let them clear themselves of that imputation first before they give a purgation unto others, otherwise what you do will savour of force.

4. The true Touch-stone to try every mans integrity is to examine, who have inriched themselves by the calamities of the times and your service, and who are impoverished.

5. This is a new device to purge the House.

The *Grandees* of the House have cantonized the Kingdom between them, every man in his Division protecting the Country Committees, and receiving tribute from them in recompence of their protection; and *Prideaux* the Post-master being King of the *West Saxons*, his Vice-roy or Lord Deputy for the County of *Somerset* is that running Col. *John Pyne*, who being often inspired with Sack, rules the Committee and County by inspirations. *Pyne* and his Peers of the Committe, to please his superiours, set on foot a draught of a *Petition* to be handed by the Country, *Giving thanks to the Parliament for the four Votes against the King*, and *promising to live and die with the Parliament and Army*, and *desiring the County might be freed from Maligvants, Neuters, and Apostates*; which (in their interpretation) signifies *Presbyterians* and *moderate men*, who will not dance about the flame when the Independents make a Bonfire of the Common-wealth. The Eastern Division of *Somerset-shire* rejected the Petition; in the Western Division *Pyne* and his Committee sending abroad his Sequestrators with the Petition, (threatned to take them for Malignants, and Sequester them that refused) got many Subscriptions; but the Subscribers since (better informed of the danger and mischief of those Votes) retracted what they had done by a *counter Petiion*, wherein they declare, that *their Subscription to the former Petition was contrary to their Judgement and Consciences, and extorted by the terror of Sequestrators, and threats of being Sequestred.* This affront stung the Committee, and opened the eys of the Country: As the like fooliſh attempt of Sir *Henry Mildmay* did the eys of the County of *Essex*. Wherefore to find a Plaister for this broken pate, Sergeant *Wild* (he that hang'd Capt. *Burly*) coming that Circuit, care was taken to have a select Grand-

88
The Countles compelled to give thanks to the Houses for their Votes against the King

Jury

Iury of Schismaticks and Sequestrators blended together, who made a presentment subscribed by 19 of their hands, which Sergeant *Wyld* preserved in his pocket; and upon Tuesday 18 *April*, delivered with as much gravity as a set speech and a set ruffe could furnish him withall in the House of Commons, and was read and hearkned unto by the thriving Godly, with as much attention, as pricking up of eares, and turning up of eyes could demonstrate: the Contents of this presentment were the same with the aforesaid revoked Petition. Great care was taken to give thanks to the High Sheriff and Grand Iury, who had so freely delivered the sence of that wel-affected County: and as much care taken to improve this Talent and put it to interest thoughout the Kingdom. Collonel *Purefoy* is now at his work in *Warwick-shire*. Sir *Arthur Haslerig* about *Newcastle*, others in other places. Pitiful Crutches to support a cripled reputation, which now halts, and begs for relief worse than their own maimed Souldiers do, and with as bad success, they have juggled themselves out of credit, and would fain juggle themselves in again. Behold the wisdom of our *Grandees*, wise, religious, new-modelled Politicians, who have brought themselves and the whole Kingdom into these deplorable, contemptible straits; take notice of your Representative, you that are represented, call them to a seasonable account: But whether doth my zeal carry me? I shall anon stumble upon a new fangled Treason to be declared against me, without, nay against Law.

Mens tongues tied up by an Ordinance. 89

Fridsy 21. *April*, An Ordinance was presented to the House, intituled, *For suppressing all Tumults and insurrections* (the Committee of Safety at *Derby House* had before an ample power conferred upon them for that purpose; but guilty consciences, though they be safe, are never secure; like *Cain*, they think that every man will slay them) it was passed after some amendments to this purpose, *That any three Committee-men shall have Power to Imprison and Sequester all such as shall actually adhere to any that shall raise or endeavour to raise Tumults and Insurrections; or shall speak or publish any thing reproachful to the Parliament, or their proceedings.* Behold here an excise (amounting to the Value of all you have) set upon every light word; a man made an offender for a word, to the utter ruine of him and his posterity, under colour

colour of *defending Laws, Liberties, and Properties*, you are *cheated of them all*, and *reduced* to meer and absolute *slavery* and *beggery*: you are not Masters of your own carcasses, yet your mouths are buttoned up; you must not be allowed that silly comfort of venting your griefs by way of complaint; what Tyrant was ever so barbarous, so indiscreet as to do the like? It was moved that Offenders of this kind might be bound to the good behaviour, and the offences proved openly at the Assizes or Sessions, before so destructive a punishment be inflicted. There are three principles in Law, of which the Laws are very tender, and will not suffer them to be touched but upon great Offences, cleer proofs, and exact formalities observed, *life*, *liberty*, and *estate*, by *Magna Charta*, the *Petition of Right*, and many other Statutes, these principles are so sacred, that nothing but the Law can meddle with them, *Nemo imprisonetur aut disseisietur nisi per legale judicium parium suorum*. You have made the people shed their money and blood abundantly, pretending defence of *Religion*, *Laws* and *Liberties*; let them now at last (being a time of peace) enjoy what they have so dearly paid for; and delay them not with a pretened necessity of your own making; you now make all that is, or can be neer and deer to them, liable to the passions of three Committee-men, to judge and execute according to their discretion, without Law, or so much as a formality thereof: And yet both Houses of Parliament have often heretofore offered to abolish those Committees, as men whose wickedness and folly they and the whole Kingdom were ashamed of. The Grandees of the Parliament and Army, when the Houses are called, and full, have resolved to draw their forces neer about the Town, and by that terrour to trie the temper of the Houses; such Members as will not comply with them, they will with fresh Charges purge out of the House, and publish base and infamous scandals against them, to which if they submit with silence, they betray their reputations for ever, and spare the credits of their jugling enemies; if they make any defence for their honours by way of Apology, they shall be brought within the compasse of this devouring, inslaving Ordinance, as *men that reproach the Parliament, and their Proceedings*. Thus the same whip shall hang over the shoulders of the Presbyterian party, (who will not agree to *King-deposing*

Anarchy and Schism) as it did formerly over the Kings party. And the Presbyterians shall be squeesed into the Independents coffers, as formerly the Kings party were, so long as they had any thing to lose; for the whole earth is little enough for these Saints, who are never sati-fied with money and blood, although they never look towards Heaven but through the spectacles of this world. The old *elogium* and Character of th's English Nation was, that they were *Hilaris gens, cui libera mens & libera lingua*: But now (Country-men) your tongues are in the Stocks, your bodies in every gaole, your souls in the dark, and estates in the mercy of those that h.ve no mercy, and at the discretions of those that have no discretion: Farewell *English liberty*.

90 The Kentish Committee-War.

In the Epistle to this book, I have given you an account of the bloody Answer given to the *Surrey* Petitioners, *May* 16. 1648. I must in the next place speak something of the *Kentish Petition*, and of the *Committee-war* they raysed to oppose it; which took his rising and beginning partly from the insolencies and oppressions of their tyrannical *Committee-men*, (persons for the most part of weak fortunes, and weaker wits) and partly from the frantick zeal of the Mayor of *Canterbury* (who for his Religion, prudence and honesty, may well be younger brother to *Warner* Lord Mayor of *London*) upon *Christmas day*, 1648. sundry people going to the Church of *Canterbury* to solemnize that day, were uncivily interrogated, and roughly handled by the Mayor, as if it were superstition, nay impiety to serve God on that day; or as if some dayes were exempted from serving God, as some days are exempted from worldly labour: This grew to a Tumult, which the Committee of the County hearing, they presently gathered forces to make ostentation of their power in suppressing it, but were prevented by intelligence that all was quiet; but this quietnesse was rather a truce, than a lasting peace, a desire of revenge against the Mayor for wounding some of the People, like fire hid under ashes, broke forth two dayes after, but was presently pacified by the discreet indeavours of Sir *W. Man*, Ald. *Sabin*, and Mr. *Lovelace* a Lawyer. The Committee of that County presently assemble *forces*, with which (together with their Chaplins and other instruments of war) they march to reduce the City, and (though they had newes that *all was appeased*) yet would they not believe it, but continued

nued their march in triumph; where finding the Gates open; they took them off and burnt them, threw down part of their Walls, thereby degrading the City, and turning it into a Village, as a trophy of their high indignation; committed many to Prison upon light suspitions, amongst whom, the aforesaid 3 Peacemakers, for being so saucy as to compose the difference, and thereby deprive their *highnesses* of a Triumphant Victory. For these upstart Committees mounted above the sphere of their activity, and having stolen his Majesties Sword (His principal marke of Soveraignty wherewith he protects his people) out of his Scabbard, know not how to use it, but to the destruction of the people: like ill-natured Children, they have gotten a gay thing, and must do mischief with it. And for farther magnifying of their power to the Country, and their diligence to the Parliament, they charged the prisoners with High Treason, and so forgot them languishing in Gaol, had not those Gentlemen remembred themselves and clamoured for a Trial; which at last was granted them by a Commission of *Oyer* and *Terminer* to Sergeant *Wyld*, and Sergeant *Creswell*: the Iuries were men known to be well affected to the Parliament, who found *Ignoramus* upon the Bill, and (notwithstanding many checks and taunts from the Committee, and the refusing of the return) adhered, so that the Court adjourned for some months: Hereupon the Kentish men fearing the tyrannical disposition of their Committees, consulted with the said Grand Iury upon the place concerning a Petition to the Parliament *for Peace*, to end our distractions; which Petition was subscribed by the Grand Iury, in the name of the whole County. The Committee jealous that these things would hearten the People, and loosen the bond of that slavish fear, wherein they had hitherto held them captive, printed, and caused to be published in all Churches a Paper prohibiting the same Petition, and branding it with the name of *seditious and tumultuous*, saying, *they would hang two in every Parish that were promoters of it, and sequester the rest.* And endeavoured first to raise forces in the County; but at last made their complaint to the Army. When the Country saw their just desires like to be suppressed by Arms, and themselves to be still Committee-ridden, they resolved upon a place of meeting to promote their Petition, and

to come Armed thither for their own defence only. But the County Committee plied their businesse so well with the Committee of *Derby House* and the Army, that they first drew a party of Horse into the County, who committed many murders according to Custome, and then the whole Army which at *Blackheath* encamped on the same place where the Petitioners intended to *Rendezvouz*. So the result of all is but this: The whole County of *Kent* oppressed by a tyrannous Committee, and a lingring war, now likely to be renewed, prepare to present a Petition to the Parliament *for Peace*, and had appointed a day and place of meeting, which by reason of the large extent of the County they could not alter at the pleasure of the Committee: and being terrified by the menaces and warlike preparations of the said Committee, brought their Arms with them in order only to self-defence, (allowed by the Laws of God and Man, and by the doctrine and practice of this Parliament and Army; and peradventure induced thereto by the sad Massacre of the *Surry* Petitioners) The Committee to support their usurped, illegal authority, invite an Army to break in upon them with *fire* and *sword*, and so enforced them upon thoughts and actions of War, never before thought on: as will appear.

1. Because many of the Petitioners went home the next day after the *Rendezvouz*.

2. The County had provided no General, nor no old Commanders.

3. They never thought of forming an Army until Sir *Tho. Fairfax* was storming one of their Towns.

4. The *Kentish-men* were compelled to take in *Sandwhich*, and the 3 Castles, lest they should fall upon the backs of them when the Army marched against them; yet did they hurt no man in person or goods: which argued a peaceable disposition, ayming only at defence: Thus you see a whole County always well affected to the Parliament, complaining of a few Independent sectary Committee-men, Sequestrators, &c. for infinite oppressions and cheats dayly committed: they being weighed in the scales together, the whole County are thought too light for want of an unpartial holding the ballance even: one prudential consideration, that they must not discountenance their friends

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(as they call the Committee) and something else more substantial, being put upon the Committees scale, hoyseth the whole County into the ayr. And when the Parliaments Army was at *Blackheath*, The County sending some of their Gentry with Petitionary Letters to the House of Commons, declaring *the peaceableness of their inclinations, their continued obedience to the Houses, and a desire their grievances against their Committee might be put into a way of examination and redresse*, they could obtain no other Answer (the schismatical ingaged party overpowring the House with the near approach of their own Army, for it is no bodies else) than, *that they would send them an answer by their General*; which was as much as if they had said, *They would send an answer by the Executioner*: the terror of this answer made the County desperately ingage in an un-premeditated War, for which they were wholy unprovided, as the irresolute and distracted managing of it makes manifest. But this advantage was greedily laid hold of by the Saints, to ravish a victory from the Country, which they were resolved to use with so much secrecy and solemn cruelty, that the example thereof should strike an awfullnesse into the hearts of all that should hear of it, and beget a slavish fear in the whole kingdome to submit to the laying aside of the KING, and his Negative Voice, and the establishing of a tyrannical Oligarchy, in the Grandees of the two Houses and Army: for finding the whole Kingdome to hate them with a perfect hatred, they have no hope to govern by Love, but by Fear; which (according to the Turkish rule) is more predominant and constant passion. And certainly had not *Goring*'s passing over at *Greenwich* into *Essex* compelled *Fairfax* to follow immediatly after with his Army, they had been used with much extremity: insomuch that *Weaver*, (a member, fuller of zeal than wisdom, though wise enough for his own profit, as most Saints and Knaves are) moved in the House, *That all* Kent *might be sequestred, because they had rebelled, and all* Essex, *because they would rebell.* And truly this is as good a way as *Cromwel*'s selling his Welch Prisoners for 12 d. a head to be transported into barbarous Plantations, whereby to expell the *Canaanites*, and make new plantations in old *England* for the Godly, the seed of the Faithfull: for this faction (like the Divill) cry, *all is mine*

91 *Banbury-Castle obtruded upon the State.*

27. *May.* A friend of my Lords *Say's* moved in the House of Commons, *That* Banbury-Castle *might be demolished to prevent any Surprise thereof by Malignants*, saying, *it had already cost the State* 200000*l. to reduce it, and had undone the Country, which was unable to pay for it: it belonged to a Noble, Godly person, the* L. Say, *and it was not fit to demolish it without his consent and recompence; it was therefore desired the State should bear the charge, his Lordship being willing to sell it for* 2000*l.* To which was answered, *That other well-affected Gentlemen had their Houses destroyed for service of the State, without recompence, not so well provided to bear the loss as my Lord* Say; *as Mr.* Charles Doyly, *two handsome habitable Houses, Mr.* Vachell, *some Houses in* Reading, *and others well deserving of the State, though not of themselves.* This Castle was unhabitable, a rude heap of stones, a publick nusance to the Country. It cost his Lordship but 500*l.* and now to obtrude it upon the State at 2000*l.* price, in so great a scarcity and want of mony, the Kingdom groaning under Taxes, was not reasonable. So Divine providence not saying *Amen* to it, this Cheat failed like the untimely birth of a Woman.

92 *The Impeached Lords, Members and Aldermen.*

About the beginning of *June*, a debate hapned in the House of Commons about the four imprisoned Aldermen, occasioned by a Petition from the City, and concerning the impeached Lords and Commons. Mr. *Gewen* spake modestly in their behalf, saying, *That what they did was done by virtue of an Ordinance of Parliament made this very Session of Parliament, and without any intent to raise a new war, but only to defend the City against the menaces of the Army marching up against them and the Parliament.* But Mr. *Gourdon* (a man hot enough for his zeal to set a Kingdom on fire) Answered, *He thought they intended a new War, and were encouraged thereto by the Gentleman that spake last; when he said to them at their Common Council, Up and be doing:* Mr. *Walker* (perceiving Mr. *Gewen* to be cautelsly reflected upon) replyed, *that since this debate upon the City Petition tended towards a closing up of all differences, it was unfit, men that spake their consciences freely and modestly should be upbraided with Repetitions tending to dis-union*, and desired men might not be permitted to vent their malice under colour of shewing their zeal: when presently. *Tho. Scot*, the Brewers Clerk (he that hath a Tally of every mans faults but his own

own hanging at his Girdle by virtue of his Office, being Deputy-Inquisitor, or Hangman to *Miles Corbet* in the clandestine Committee of examinations) replyed upon Mr. *Walker, That the Gent. that spake last was not so well-affected, but that the close Committee of examinations would find cause to take an order with him shortly:* Mr. *Walker* offered to answer him, and demanded the Justice of the House, but could not be heard: those that spake in behalf of the Aldermen, were often affronted, and threatned with the displeasure of the Army, which they alleged, *would be apt to fall into distempers if we discharged them.* Notwithstanding these menaces, it was Voted, that *the House would not prosecute their Impeachments against the said four Aldermen,* Sir John Maynard, *and the seven Lords; and that they would proceed no farther upon their Order for impeaching Mr.* Hollis, Sir William Waller, &c. Two or three dayes after, a motion was set on foot, *That the Order whereby the said Members were disabled from being of the House might be revoked;* many zealots argued fiercely, and threatned against it; amongst many arguments for them, a President was insisted upon, *That Master* Henry Martin *was by Order disabled from being a Member, yet was afterwards readmitted upon his old Election*: and desired these Gentlemen might find equall justice. The House having freed them *à Culpa*, could not in equity but free them *à pœna*, and put them in the remainder of all that belonged to them. But Sir *Peter Wentworth* answered, *That Mr.* Martins *case and theirs differed: Mr.* Martin *was expelled for words spoken against the King, such as every mans Conscience told him were true; but because he spoke those words unseasonably, when the King was in good strength, and the words (whether true or false) were in strictnesse of Law, Treason: the House* (especially the lukewarm men) *considering the doubtfull event of War, disabled and committed him, lest the whole House might be drawen in compass of High Treason for conniving at them*: which was a prudential Act contrary to justice, and contrary to the sense of the Godly and honest party of the House, But afterwards (the King growing weaker, and the Parliament stronger) the House restored Master *Martin*, and thought fit to set every mans tongue at liberty to speak truth even against the King himself; and now every day words of a higher nature are spoken against him, by the well-affected

affected Godly in the House. After many threats used by *Wentworth, Ven, Harvy, Scot, Gourdon, Weaver, &c.* The said disabling Order was repealed.

93 Members added to the Committee of Safety at *Derby house.*

About the same time the Lords sent a Message to the Commons, that *they had named six Lords to be added to the Committee of Safety, and desired the House to add twelve Commons to them.* (This had five or six times been brought down from the Lords before, and received so many denials, but the Lords would not acquiesce) The Message came down about one of the Clock, the House being thin, many argued against it, saying, that there were seven Lords and fourteen Commons of that Committee already, enough (if not too many) to dispatch business with secrecy and expedition; that to add six Lords more to them was (in effect) to make the whole House of Peers of that Committee; so the whole House of Peers, and twenty six of the ablest and best spoken Commons being ingaged in that Committee, that Committee would sway the Houses which way they pleased; draw, by degrees, all power and authority from the Parliament to themselves; cause the House to adjourn at pleasure, leave them so evirtuated, and enervated, that they should no longer keep the dignity nor Authority of a Parliament; contrary to the trust reposed in them by those that chose them, and contrary to the tenor of the Writ of Election. It were more for the service of the Commonwealth to examine what the powers of that Committee are, and to set a short time to its continuance, and not leave it indefinite as now it is. After more than an hours debate, the Speaker (instead of putting the question, whether an addition or no?) called to have the names read, first of the Lords, who were Voted, one, by one; and then the Commons are named, who are almost all Independents; *Weaver* excepted against the naming of Major Gen. *Brown* to be of that Committee, for being disaffected to the Army; to which Major Gen. *Brown* gave a discreet and an honest Answer; in reply to which, *Weaver* concluded, That the Parliament in the posture it was in, was not likely to save the Kingdom, but the Committee of Safety and the Army must save it: whereupon satisfaction was demanded against *Weaver* for dishonouring the Parliament, and alleged that the Honour of the Parliament was more considerable than the Ho-

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nour of the Army, and ought to be vindicated before the Honour of the Army, whatsoever their Agents and Servants in the House (who gained by them) thought to the contrary, unlesse they would acknowledg the Parliament to be subordinate to the Army. It was farther said, that if the Parliament should relinquish the work of setling Peace, Religion, Laws, and Liberties in the Kingdome to the Committee of safety, (as the Gentleman that spake last seems to intimate, that in order thereto, the said Committee is enlarged) the Parliament should forsake their trust, and be no longer a Parliament, and all they had done, and should doe in that way, (even the erecting, empowring, and enlarging of that Committee) is void in law. Note, that several Orders have been made, appointing set days to examine the powers of this Committee, and limit a time for its determination; but always upon the appointed days, either some Letters of news, or some new invented Plots have been cast like stumbling blocks in the way to put it off.

The like for setling the general Militia of the Counties; all which are now left *sine die.*

Thursday, 15 *June*, Mr. Solicitor reported to the House, That Sir *William Massham* and the rest of the Committee, were carried up and down in the head of *Goring*'s Army, hardly used, and threatned to be set in the front of the battle when they came to fight: and moved that 20. of the Kings party should be seised, and sent to the General to be used in the like manner. But *Gourdon* moved, That the Lady *Capell* and her Children, and the Lady *Norwich* might be sent to the General with the same directions, saying, *their Husbands would be carefull of their safety*: and when divers opposed so barbarous a motion, and alleged, *the Lady* Capell *was great with child near her time*, *Gourdon* pressed it the more eagerly, (as if he had taken the General for a Man-midwife) he was seconded by *Ven*, Sir *Hen. Mildmay*, *Tho. Scot*, *Blackstone*, *Hill* of Haberdashers-hall, *Purefoy*, *Miles Corbet*, &c. Note that *Rushworth* (Secretary to the General) reported at the Commons Bar, *The Committee were well used and wanted nothing.* And though they have had many Fights and Sallies, they did never put any of the Committee in the Front; so that it should seem this is only a fabulous pretence to carry 20 of the Kings

94 20 Royalists sent to the General in lieu of 10 Committee men in *Colchester.*

party in *Front* before them to facilitate and secure their Approaches against the Enemies shot, which is the more credible, because the sense of the House was, *not to exchange these for the Committee.* This is to cheat the Enemy of a Town, not to conquer it. Behold the Saints way of getting Victories; and *Cromwell* practiseth the same in *Wales*, as I hear.

And that it may farther appear, this Saint-like Army neither Conquers by Miracle, nor the Sword, but by the battery of Angels, I can assure you, that lately one of the setting-bitches of these States (as they now call themselves in their forein negotiations) the *hogen-mogens* of *Derby-house*, the Lady *Norton* (Wife to bul-headed Sir *Grig.*) offered a large sum of money to a Gentlewoman to procure her Husband to yield up a Hold he keeps for the KING, using this argument to perswade it, *That most of the good Towns they seemed to Conquer, were purchased of men that had wit enough to respect themselves,* (for you must know that this virtuous Lady trucks as well for strong Townes and Forts, as for Plackets and other weaker pieces) but the motion was contemned; And the General having gotten together the Trained men of *Suffolk* and *Essex* to assist him, putteth them in the Forlorne Hope in all his stormings of the Town of *Colchester*, and drives them on with his Horse, using them as the Turk useth his *Asapi* to dead the first fury and edge of the Enemy, that his Ianisaries may at last come on with the more safety, and carry the businesse.

95 The National Covenant.

Saturday, 17 *June.* It was moved that no Commissions might be granted to any Commanders or Officers, until they had taken the National Covenant: against which, it was argued, That the Covenant was become the pretence of all Rebellions and Insurrections; that most of them that had Rebelled in *Wales*, *Kent*, *Essex*, had taken it; but those that refused it were true friends to the Parliament, and had done them gallant service. That the Covenant had so many various interpretations put upon it, that no man knew what to make of it, or how with a safe Conscience to take it: thus argued the Independent, as if the Covenant were *malum in se.* To which was answered, that by this last reason, they might lay aside the Scriptures, which were frequently and variously mis-interpreted by Hereticks and Schismaticks. If the

Covenant

Covenant in its own nature were the cause of Insurrections, it was unwisely done of the Parliament to impose it upon men; and to tie them by Vow to defend it, and one another in defence of it, with their lives and fortunes, whatsoever number of Armed men should gather together in defence of the Kings Persons, Crown and Dignity, or of Religion, Laws, Liberties, or of Privileges of Parliament, according to the said Covenant they have the authority of Parliament, nay of Heaven (where their Vow is recorded) for what they do, and cannot be said to Rebell, or War against the Parliament. but against a Faction, who having deserted or never taken the Covenant, to carry on new designs for their own advantage: doe now mis-apply the title of *Malignant* and *Rebell*, to those that fight for the Covenant, because they will not change their principles with them for Company. And upon this ground only were the four Aldermen, seven Lords, Sir *John Maynard*, &c. impeached and imprisoned only for such actions as the Covenant (which they took by authority of Parliament) bound them in conscience unto, and for which they had a special Ordinance of Parliament, made this very Sessions, and not to raise a new War as was scandalously and violently enforced upon them: Had it come to a new War, it must have been laid at their dores that subvert the Principles in the Covenant. Many have taken the Covenant in obedience to you, and are bound up by it; and now to leave other men at large not to take it, and accuse them of *Treason* for endeavouring to keep it, is very unjust. You have lately promised the Scots, *you will adhere to the Covenant:* How can they believe this, unless you injoyn all to take it? And so long as you put all the Arms, Garrisons, and Ships of the Kingdome, and all places of power, profit and preferment, into the hands of Schismaticks and Antimonarchists, whose principles and actions run counter to the Covenant, and such as talk much of your service, but have done only their own, in order to which, they refused to obey you and Disband, ravished the King from you at *Holdenby*, kept you in wardship ever-since, and dishonoured and brought you low with treasonable, scandalous, threatning Engagements, Declarations, Remonstrances, and other Papers? But those that would have had the Covenant current, could not get the question put.

96 Osburn's information concerning a design to murder the King. See [The Independents loyalty] a Book so called.

Vpon Saturday, 17 *June*, 1648, about one of the clock afternoon (most of the House being gone to dinner, and very few Presbyterians left) the Speaker of the House of Commons stood up and told the House, that he had received Letters from *Richard Osburn* (he that projected to deliver the King out of the custody of Colonel *Hammond* at *Carisbrook-Castle*) that he conceived the Letters tended only to the setting of us altogether by the Ears; and propounded, whether they should be read or no? some were against the reading of them, but the Major part called to have them read; which was done accordingly. The Letter to the said Speaker had a copy of another Letter enclosed in it, to the Lord *Wharton*, which bore date 1 *June*, 1648. to this purpose. *Giving his Lordship to understand, That upon private conference with Captain* ROLF (*a man very intimate with Colonel* Hammond, *and high in the esteem of the Army*) *the said Capt.* Rolf *told him* (the said *Osburn*) *that to his knowledge* Hammond *had received several Letters from the Army, advising him to remove the* KING *out of the way by Poyson, or any other means, for it would much conduce to their affairs. But* (said *Rolf*) Hammond *hath a good allowance for keeping the* KING, *and is therefore unwilling to lose so beneficial an imployment. But* (saith Rolf) *if you will joyn with me, we will endeavour to convey away the* KING *to some secret place, and we may then do what we will with Him.* *Osburn* offers in his said Letter, *That if he may come and goe with safety, he would come and justifie the same upon Oath.* He likewise writ to the Speaker of the Lords House about it. Then was read *Osburn*'s Letter to Mr. *Lenthall* Speaker, dated 10. *June* 1648: containing the same Narration, with an offer to appear, and make it good upon Oath if he might come and go with safety and freedom. The Clerk had no sooner done reading this Letter, but with a slight neglect, and the laughter of some Members, the business was passed over without debate, and Mr. *Scawen* stood up to propound a new business from the Army; when presently, Mr. *Walker* interrupting *Scawen*, desired to speak a word to the late business; and asked Mr. Speaker, *from whence that Letter came, and who brought it?* the Speaker called upon the Sergeant of the Mace, who Answered, *The Letter was given him at the dore by a man that he knew not; that he had many Letters &*

Papers

Papers thrust upon him of which he could give no account, but he would endeavour to find the Messenger. Then Mr. *Walker* urged that *such an information coming to the House ought not to be neglected whether true or false, but to be examined and sifted to the bottom. If the* KING *should die a natural death, or any mischance befall him, (the People calling to mind how little care we had taken of his safety) would never be satisfied with our protestation*; and moved, *that a Committee might be named to examine* Osburn, Rolf, Hammond, *and such others whose names should occur in the Examination.* This was seconded by Sir *Simond Dewes*, Mr. *Henry Hungerford*, Mr. *Edward Stevens*, and some others, who pressed it farther, but received a slight Answer. *That those that desired to examine the businesse knew not where to find* Osburn. *That* Osburn *was a Malignant, and had atempted to set the* KING *at liberty.* To which Mr. *Walker* replied, *That the other day we had named a Committee to examine the businesse concerning the Foot-boy that Strook Sir* Henry Mildmay, *and yet we neither knew then where to find the Foot-boy, or what his name was. If we do but publish that* Osburn *shall with freedom and safety come and go, incase he appear to make good his Charge, either he will appear, or we shall declare him an Impostor, & punish him when we take him, and cleer the reputation of those upon whom this Letter seems to reflect. Consider how vast a difference there is between beating a Subject, and Killing a King. And if* Osburn (*whom I know not*) *be a Malignant, yet unlesse you can prove him a Nullifidian, or a person convict of Perjury, both according to the Rules of Christian Charity, and in the charitable intendment of our Laws, his Oath is valid and good.* Then *Tho. Scot* stood up and said, *That this pressing for a Committee to examine this businesse, was but a device to draw Col.* Hammond, *and* Rolf, *up to Town to be examined, that the* KING *might the easier make an escape.* And Sir *John Evelin* of *Wilts*, alleged *that he conceived this was an invention of* Osburns *to bring the King to Town with Honour, Freedom, & Safety.* Then *Walker* stood up again, but was interrupted by Master *Hill*, and not suffered to speak, having already spoken twice. At the end of almost every motion made for a Committee to examine the businesse, either Mr. *Scawen*, or Major Genral *Skippon* stood up and offered to divert the businesse by new matter con-

cerning the Army, which usually beareth all other businesses down before it. At last those few that moved for an Examination of this Information, having spoken as often as the Orders of the House doe permit, were forced to be silent; so the businesse was buried in silence. I hear that some of the Lords called upon this businesse the Monday following, being the 16 of *June*, and that the Lord *Wharton* being asked, *why he did not impart* Osburn's *said Letters to the House*? Answered, *That as soon as he opened the said Letter he received from* Osburn, *and saw his name at the bottom, he looked upon the businesse as not considerable:* yet he sent the Letter to *Hammond*. Vpon Tuesday, 20 *June*, The Lords sent a Message to the Commons; the first paper whereof concerned *Osburns* said Letters: they desired *that forty days might be assigned for* Osburn *to come and goe with safety to make good his information.* But Sir *William Armine* stood up, and desired, *That the minutes of two Letters prepared to be sent into* Holland *and* Zealand *concerning our Revolted ships might be first dispatched, as being of present use.* And when the businesse was ended, Mr. *Pierpoynt* propounded another part of the said Message. So *Osburn's* Information was left *sine die*, for that time, but since, the Lords have quickned it, and 40 days are given to *Osburn* to come and go with Freedom and Safety to make good his information; who is come, and avoucheth it; and one *Dowcett*, speaketh much in affirmation of a design of *Rolfes* to pistol the King. *Rolf* presents himself at the Commons Bar with a Letter from *Hammond*, which denies the Design, and pleads *Rolfes* cause for him. *Rolf* denied it at the Commons Bar with a trembling voice, yet afterwards hid out of the way; but being discovered upon search, he was found to have a Byle upon him, that disabled him from riding, otherwise (it is thought) he would have fled far enough. I do not hear that *Hammond* is yet sent for, or questioned. And for *Osburn's* indeavour to convey his Majestie from *Carisbrooke-Castle*, it was alleged, he did it with a charitable intent to preserve his life, and not of any disaffection to the Parliament, to which he hath been affectionately serviceable. Though many take offence at Master *Walker*, as if his stirring of this businesse were only to cast an aspersion upon the Army: yet (I conceive) that what he did was commendable, In discharge of the duty he

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owes to God, his King, and Country, and of his trust as a Member of the Representative body of this Kingdome, and in performance of the obligations which the Oath of Allegiance, the Parliaments Protestation, the National Covenant, and the known Laws of the Land lay upon him, which duty he was bound to perform, (though with the extremest hazard of his life and fortunes) and though he may happily hope better things of this Army, yet since neither the Laws of the Land, nor common reason warrants him to presume upon his own private hopes and judgement (things which often deceive the wisest men in matters of far lesse moment) he could do no lesse than free his conscience, by making the whole House Witnesses of the cleernesse of his actions and intentions. Considering,

1. The many high speeches and threats often used against the King in all places, none excepted.

2. The dangers the King escaped from this Army, which drove him from *Hampton-Court* to the *Isle* of *Wight*; and may possibly pursue him thither.

3. The Antimonarchial Principles wherewith many Members of this Army, and their Chaplins, and many elsewhere are seasoned, who cannot govern this Kingdome at their pleasure by a military Olygarchy of Grandees of the Committee of Safety at *Derby-house* and the Army (and so establish the Kingdome of the Saints) nor yet bring it to their own *levell*, but by taking off *summa papaverum capita*, all that is high and eminent. There is a Crowned Head in their way which must be removed.

4. The corrupted fantasies of many Antimonarchial Schismaticks with Revelations and Raptures, who serve the Devil for Gods sake; making him the Author, and the doing of his will the pretence of all their crimes and villanies.

5. The many desperate guilty persons that fear peace; and are resolved, now the Sword is out, to burn the Scabbard. These look upon the King with an evil eye, as the Centre in whom all Interests must unite before we can have Peace. Despair tempts these men to make one sin a degree, and step to a higher. These three last sort of men having cast off all fear of God, will as easily contemn Gods substitute, the King; as he that cast off all reverence to the King will contemn his substitute, a Constable.

6. The

6. The continual endeavours of the Grandees of *Derby house* and the Army, to put all the Armes, Garrisons, Ships, and Strengths of the Kingdom into the hands of Antimonarchical, Schismatical Independents: in order to which, they are raising of new Forces, and erecting new Garrisons in most Counties. These men when they could not get a power from the House of Commons to raise what Forces they pleased, (for when it was moved, they there ordered, *that no more motions should be made for raising new Forces, but between the hours of ten and twelve*) yet what they could not get by their leave, they now take without their leave: the General granting Commissions for raising and listing Horse and Foot in almost all Counties; for example, Sir *Hardresse Waller* (that one-eyed *Polyphemus* of Pastebord) lately sent forth Commissions in the County of *Devon*: (by virtue (as his Commissions say) of the power granted him from his Excellency) for raising, listing, and training Horse and Foot, which shall be no burden to the Country, but be in pay with the rest of the army. In these Commissions he stileth himself (*untruly*) *Commander in chief of all the forces of the five Westeru Associat Counties:* and gave authority and encouragement to the well-affected (that is, to Independents, Sectaries, Antimonarchists, and the more desperate, forlorn sort of people) to enter into, and subscribe Engagements, *to live and die with the Army* (an imitation of the Members Engagement) *in defence of the Parliament*, (that is, of the ingaged faction of Independents, Schismaticks, and corrupt persons, whom only the Army looks upon as the Parliament) witnesse the Declaration of Sir *Thomas Fairfax*, and his Council of War, shewing the grounds of his advancing up to *London*. This usurpation was complained of in the House of Commons, Monday 19 *June*, and prohibited then by Order.

7. Peradventure the reason why this Letter was published so unseasonably in a thin House, in so slight and surreptitious a way (as aforesaid) was, in hope it would have been passed over in silence (as it had like to have been) and so the whole House should have been engaged in the crime (if any such thing be intended) as *guilty of connivance and negligeuce*, though *not as Actors guilty of the fact*. The main scope of this party hath ever been, *by Treatie of Accommodation, uniting all Interests*, and other devices, to involve

volve others in their crimes, to infect others with their diseases; that all standing in need of one and the same desperate way of cure, may joyntly have the same friends and foes, and the same sins and quarrels to defend.

8. Friday, 16 *June* 1648. I was told, the Committee of *Derby-house* had lately received a Letter from Col. *Hammond*, Governour of *Carisbrook* Castle, informing them, *That unlesse they supplied him with Mony and Men, he could give no good account of the King, in case the Revolted ships should attempt his rescue*: and farther, *That he had matters of great importance to communicate to them, but durst not commit them to Paper; but if they would send for him up, or send a Confident of theirs to him, he would impart them.* This may probably be the businesse whereof *Osborne* gives information in his said Letters; and it may be Mr. *Walker* had heard of this report in the Hall, as well as my self, and might have the same conceit of it, that I have; if it be lawfull for me to take measure of another mans judgement by my own.

9. Lastly, who knows whether a powerfull desperate party, may have a design to take away the *Kings life*, and then declare his two eldest Sons uncapable of Government; supposing they deserted the Kingdom, and invited foreign States to invade it: & then Crown the Duke of *Glouceſter*, and so (abusing his tender years) usurp the protection of him, and under colour of that authority, establish (by degrees) their own usurpation, and the peoples slavery; having subdued their spirits by a long and customary bondage, under them; and having filled all places of power, profit, and preferment in the Kingdom with men of their own principles and Interests, their own creatures and Confidents? This Army (last *April*) in their Council (amongst other things) debated, *The Deposing of the KING*, (why not murdering as well, since few Kings are deposed and not murdered?) *Dis-inheriting the PRINCE, and Crowning the DUKE of YORK*: which was then approved of by *Cromwell* and *Ireton*. Why may they not now dis-inherit both the elder Sons, and Crown the Duke of *Glouceſter* as well? See the excellent *Remonstrance* of the *Colchester* Knights and Gentlemen, 1648. which I have Printed herewith for your satisfaction. That some such design might be to make away the *KING*, and dis-inherit the *PRINCE*,

may well be suspected; because the 12 day of *July*, upon information, *That the Prince had sent into* England *some Blank Commissions to List men: Weaver* (an Implement of the Army, and Son to an Ale house-keeper in *Wiltsh.*) moved the House of Commons *to Vote the Prince a Traytor, &c.* And (I hear) that Mr. Solicitor (contrary to his Oath and duty of his place) *refuseth to be of Council against the said* Rolf; this Gentleman the Solicitor hath got above 3000001. by keeping open shop to sell the cruell mercies of the new Great Seal to the Royalists.

97 *Trinity house* Petition for a Personal Treaty.

The 29 *June.* A Petition was delivered the House of Commons from the Masters of *Trinity-house*, Masters and Captains of Ships and Sea-men, *for a Personal Treaty with the* KING; *declaring the great decay of trade to the undoing of many thousand families, and that they would not fight against the revolted ships, their Brethren, who desired but the same things with them.* Tho. Scot said, *That the* Surry-men *first delivered a Petition for a Personal Treaty, which was seconded by the* Kentish-men *in Armes, and they by the City of* London: *that all this was a design to ruine the Godly party. That he had read of a Man, who being asked when he was young Why he did not marry? Answered, It was too soon: and being asked the same question when he was old, Answered, it was too late. So he was of opinion there could be no time seasonable for a personal Treaty, or a Peace with so perfidious and implacable a Prince; but it would always be too soon, or too late. He that draws his sword upon his King must throw his Scabbard into the fire. All peace with him will prove the spoil of the Godly.* To which was Answered, *That some men got well by fishing in troubled waters; and accounted peace their spoil, because war was their gain: and they looked upon a Personal Treaty as a design against them* (under the notion of the Godly, Honest, Confiding party) *because a Personal Treaty was the high way to peace. But the generality of the people* (who were despoyled of their Estates by the War) *resolved upon a Personal Treaty, without which there is no hope of Peace; they would no longer be made fuel to that fire wherein these Salamanders live; nor any longer feed those Horse-leeches,* (the Army, their engaged party and Servants) *with their bloud and marrow.* It now appears who desire a new War; namely, those Zealots who supply their indigent fortunes by War. These men fear peace, doubting they

shall

shall be forced to disgorge what they have swallowed in time of War: *Ven, Miles Corbet, Hill* the petty Lawyer of Haberdashers hall, the two *Ashes*, Col. *Harvey*, and many other thriving Saints, opposed a Personal treaty; so their Petition had no successe. I hear that (not many dayes after) the Committee of *Derby house* (to take off this affront) imployed Col. *Rainsborough* (the *quondam Neptune* of our Seas) to go up and down and solicit the Common sort of Marriners to subscribe, and present the House of Commons with a counter Petition, wherein *they offered to live and die with the Parliament, &c.* and that *Rainsborough* gave 12 d. a piece to as many as subscribed it. This Petition was delivered

The 2 of *July*, and after that (upon occasion of the City Petition *for a Personal Treaty in* London) upon the 5 of *July*, the House of Commons again took into debate a *Personal Treaty*. They spent much time upon the place where? 98 The City Petitions for a personal Treaty.

1. *Whether in the* Isle of Wight? which the Independents principally affected.

2. *Holdenby*? which they next inclined unto.

3. *Or any his Houses not nearer than* 10 *of* London: *at his own choice.*

4. *Or in the City of* London?

Which two last places the Presbyterians approved of, but chiefly *London*: for *London*, it was argued, *That the Common Council and Officers of the Souldiery would undertake for His Safety against all Tumults. In any other place He would be within the power of the Army; who might probably take him away again (as they did at* Holdenby*) if they liked not the manner and matter of the Treaty.* London *was a place of most Honor, Safety, and Freedome; and would best satisfie the* KING, *the* Scots, *the people: In all other places (especially* the Isle of *Wight) He would be still a prisoner to the Army; and therefore all he should agree to, would be void by reason of* Dures. Sergeant *Wylde* Answered, *That* Custodia did not *always in Law signifie* Imprisonment. *Though He was under restraint of the Army. He was not in Prison*; making a wyld kind of (nonsence) difference between *Restraint* and *Legal Imprisonment*, (which all but himself laughed at.) *The King cannot plead* Dures; *no man can imprison or hurt the King in his politick capacity as King, though in His natural capacity, as man, he is as*

passive as other men. To which was replyed, *That it had been frequently said in the House, the King was a prisoner. That there was no difference in Law, between a restraint and an imprisonment, whether legal, or illegal. A tortious restraint is called in Law,* a false Imprisonment. *That former Kings have avoided their own Acts by pleading* Restraint (*or Imprisonment*) *and* Constraint, *as R. 2. H. 3: That the King may as well plead* Imprisonment, *as the Parliament plead a* Force, which they have lately done. That the Kings Restraint in Law is *Arcta custodia*, God grant it be *salva custodia*; we have lately had Information to the contrary. The distinction between the Kings *natural* and *politique capacity* was Treason in the *Spencers*, and so declared by 2 Acts of Parliament in the time of *Edw.* 2. and *Edw.* 3. See *Calvins* case in my Lord *Cook*, they are unseparable by the Law. *Tho. Scot* argued, *That the City was as obnoxious to the Kings anger as any part of the Kingdom; and if the Treaty should be in* London, *who shall secure us that the City will not make their Peace with the inraged King, by delivering up our Heads to Him for a sacrifice, as the men of* Samaria *did the heads of the* 70 *sons of* Ahab? It was farther moved, *That if the King came not to* London, *but to one of his houses about* 10 *miles from* London, *That He might be desired to give His Royal word to reside there until the Conclusion of the Treaty.* Col. *Harvy* slighted this motion, vilifying the Kings Royal word, and saying, *There was no trust in Princes*; he alleged, *the Kings promises had been frequently broken; as when he protested the safety and privileges of Parliament should be as pretious to Him, as the safety of His Wife and Children, and within three or four dayes after came with armed Guards to force the House,* and other instances which have been too often remembred, and shall be here omitted.

At last they fell upon a report, that the Committee of Lords and Commons had Voted, *They would not insist upon the* 3 *Votes preparatory to a Treaty*, viz. *Presbytery, the Militia, & recalling all Declar: Procla. &c.* This was long argued to and fro. At last it was Voted, *That the King be desired to assent to the said* 3 *preparatory Propositions, and sign them with His hand, to be passed as Acts of Parliament when the King shall come to* Westminster.

99. My Lord *Say's* discourse about a Personal Treaty.

My Lord of *Warwick* had moved in the Lords House about this time *for a Personal Treaty*, and was seconded by the Earl of *Northumberland*

Northumberland; but my Lord *Say* opposed it, and prevailed against it: afterwards my Lord *Say* in his way home visited the Duke of *Richmond*, and amongst other discourse, told the Duke, *He was sorry to find so great an indisposition to peace*, saying, *he had moved for a Personal Treaty, but could not prevail*; this was done upon hopes the Duke would have writ so much to the Queen, or Prince. But the Earl of *Holland* coming that day to see the Duke, and the Duke relating to the Earl what the Lord *Say* had told him, the Earl of *Holland* discovered the truth to him, and so spoyled the design: you see the Devil doth not always own the endeavours of his servants.

100 The news the D. of *B* taking Arm

The said 5 *July*, the Speaker, as soon as he sate in his Chair, alarmed the house of Commons with the news of the Duke of *Buckingham's*, and the Earl of *Holland's* drawing into an hostile posture; relating *they were* 2000. *that they intended to take* Lambeth-house, *that the Bullets would presently be about their ears if they did not rise*; which put the zealots into such a rout, that they presently cried, *Adjourn, adjourn, until Monday*; and had hardly so much patience as to hear any reasons to the contrary; but this was but a counterfeit fear: the design hid under it was, to prevent the City from bringing in that day their Petition *for a Personal Treaty*, and to leave the whole power of the House, during the Adjournment, to the Committee of *Derby house*, to raise what Horse and Foot they pleased, under colour of suppressing this Insurrection.

101. *Skippon* aut rized to rai 1000 Hors

For when they found they could not prevail to Adjourn, they moved for power to be given to Major Gen. *Skippon* to raise Horse, whether to possess the Avenues and passages from the City to the Earl of *Hollands* Army, or to keep the City under the terror of a Horse Guard, is doubtfull.

102 A Report fr *Derby house* that the M bers should underwrite maintaining Horse.

And the same day Mr. *Swynfin* reported from the Committee of safety, *That they offered to the Consideration of that House, that it was fit the House should have a Horse Guard, & that every Member should underwrite how many Horse he will pay for* 10 *days.*

This is refused by some Gentlemen upon these grounds:

1. *It bears the aspect of an Imposition or Tax set upon the House by their Committee.*

2. *The Members have not suffered alike; and therefore cannot*

doe alike, some have lost much and got nothing, others have got much and lost nothing: and it is not equal that Losers should bear equal burthens with Getters, and contribute out of their Losses to maintain other mens Gains, and preserve them in their rich Offices, and Bishops Lands purchased for little or nothing. Gentlemen are made Beggers, and Beggers Gentlemen.

3. *It is a dividing motion: tending to lay an imputation of Malignancy and disaffection upon those that cannot, as well as those that will not, subscribe: and so gives a great advantage to the Gainers over the Losers*, which the Losers have no reason to submit to.

4. *A Personal Treaty being now in debate: this motion makes many Members forbear the House, who cannot grant, and dare not deny: It carries with it therefore something of design and terror, and so takes away the liberty of Parliament, which when so weighty a businesse is handling ought to be.*

If this Horse Guard be raised how shall we assure our selves they shall be Disbanded after 10 *days, being once under Command?* It is therefore a subtile, malicious, tyrannous act, for the Committee of Safety to put so tempting a motion upon the House, and give men cause to suspect that something of Design and Danger lies hid under it.

103 The device of forged letter.

About this time a Letter without any name subscribed, was left at Major General *Brown's* house, in his absence: consisting of two parts:

1. *A Preamble, of great respect and love bern to him by the Epistoler for his fair carriage to the King, and good affection to peace, and reconcilement with the King.*

2. *An Admonition to look to himself, and moderate his Actions, the Army looking upon him as their only Enemy, and Opponent in the City, lest they should seize upon him and carry him away, or do him some other mischief.* This is conceived to be an Independent mouse trap set up to catch a Presbyterian in; for if the Major General had not discovered the said Letter, and it had been found about him, or in his House; or if it had been testified that such a Letter was left at his house and concealed: here had been matter enough for an Impeachment against him.

104 Correspondency with *Card. Mazerini.*

The Grandees of *Derby house* and the Army solicit the detaining of the PRINCE in *France*, and the delaying of his journey

journey for *England*, lest he trouble the yet unsetled kingdom of the Saints. To negotiate which, they have an Agent lying Lieger with Cardinal *Mazarini* (the great French instrument of State) who is so well supplied with Money, and so open handed, That it hath been heard from *Mazarin*'s own mouth, *That all the money the Queen and Prince hath cost the Crown of* France, *hath come out of the Parliaments Purse with a good advantage.* It is likewise said, *Mazarini hath an Agent here, to drive on the Interests of* France *in* England.

The Grandees in reference to the pulling down of Monarchy, and the establishing their Olygarchy or Tyranny (contrary to their Remorstrances, Declarations, the National Covenant, and their late Vote, *That they would not alter the ancient form of Government by King, Lords and Commons*) have caused the Book written by *Parsons* the Iesuit, 1524 (under the feigned Name of *Doleman*) and called [*A Conference about the succession of the Crown*] to be published, under the Title of [*Several Speeches delivered at a Conference, concerning the power of Parliaments, to proceed against their Kings for mis-government.*] *Parsons* had made this Book a *Dialogue*, these Men have made it into *Speeches*. The Arguments and Presidents are meerly the same; you see they can joyn Interests with *France*: Doctrine with the Iesuits, to carry on their design, and reduce us to the condition of French Peasants or Slaves, under the Kingdom of the Saints. *Doleman*'s Book was condemned by Act of Parliament, 35 *Eliz.* But what care the Grandees for Acts of Parliament, having fooled the people into a belief, That both the *Legislative* and *Judicative* power is in the two Houses of Parliament without the King, and that an *over-powring party or Junto in the two Houses* (complying with an Army to keep the rest under force and awe) *is the Parliament.* 105 *Doleman's* antimonarchical Book printed. See the Conclusions, 15, 16, 17.

The Parliament consisteth of 3. *Estates.*

1. The *King*, whom the Law calleth, *Principium, Caput & finis Parliamenti*: and therefore he only can *Call*, He only can *Dissolve* a Parliament, and is Himself called and chosen by none, being *primus moter*, that animates all. 105 The Legislative, Judicative power, and Militia, where they reside.

2. The *Lords*: who have their creation and vocation only from the Kings bounty. See the Conclusions, 15, 16, 17.

3. The

3. The *Commons*, who have their *summons* onely from the Kings Writ, though their *election* from the people; and in that respect only (the people being too diffused a Body to be Assembled) they have something of *Representation* in them, being the Epitome of the People. These 3 *Estates* concurring, have power to *make new Laws, to change or repeal old Lawes*, and in some *doubtful cases rarely happning* (which the Judges dare not venture upon) they have power to *interpret the Laws*. This is a wise and politick constitution, for *if any one, or any two of the said three Estates* should make new Laws, Change, Repeal or Interpret old Laws, arbitrarily and at pleasure, *without mutual agreement of all the three Estates*, it were in the power of *that one or two to enslave the other Estate or Estates so omitted*. Besides, the Law doth not favour the making of new Laws, nor the changing and repealing of old Laws, being an innovation that stirs too many humors in a body politique, & indangers its health, and brings contempt upon the Laws: *Leges priusquam latæ sunt perpendendæ, quando latæ, sunt obediendæ*, saith *Arist. Pol.* *But though all 3 Estates must assent to the making, altering, or repealing a Law, yet any one of the 3 Estates hath a Negative Voice*, & may dissent from such making, altering, or repealing, to avoid innovation, as aboveſaid. How then can the two Houses of Parliament exercise the Legislative power, and make, change or repeal any Law by Ordinance, without the King, (the first Estate and head of the Parliament) and so deprive Him of His Negative Voice, and the people of their Laws, Liberties, and Estates, contrary to *9 H. 3. Magna Charta*, *1 part. Instit. sect. 234. in fine.* *7 H. 7. 14*, especially when this very Parliament declares in the *Exact Col. 1 part. p. 727. That the King hath a Negative Voice, and that Bills are not Laws* (or Acts of Parliament) *without the Kings assent* (consequently nor Ordinances.) And as the two Houses take upon them the *Legislative power* without the King, so in the case of the 4 Aldermen and Sir *John Maynard*, they usurped a *Judicative Power* in case of Treason tryable in the Kings Bench; yet it is most certain, that when the 3 *Estates in Parliament have passed any Act, their power determines as to that Act, and then the Authority of the Judges begins*, which is Judicative: whose Office is (upon cases brought before them) to determine *whether that Act be binding or no*; (for

2 H. 5. 4 H. 7. c. 18. 12 H. 7. c. 20. 1 Ja. c. 1. 2 Ch. c. 1.

Acts

Acts of Parliament *against common right, Repugnant, or Impossible*, are Void, *Cook* 8. *f.* 118. Dr. and Student, *l.* 1. *c.* 6.) *and to expound the meaning and signification of the words of such Act.* If therefore the 2 Houses usurp the *Legislative* and *Indicative* power, or the *Militia*, otherwise than hath been by the fundamental constitution of this Monarchy, and the practice of all ages accustomed, the Grandees of the two Houses and Army seem to lay claim to them all by the Sword, for in the late Declaration against the *Scots* Papers, *p.* 64. they say, *That they engaged in this war upon these principles, viz. To keep the Legislative power, and the exercise of the Militia, without and against the Kings consent*, and *p.* 63. *ibidem*, the Members tell us, *that in all matters concerning Church or State, we have no judge upon Earth but themselves.* It follows then, the Grandees do it to subvert the antient Government, Laws, and Liberties of this Nation; and establish a Military Oligarchy, or the Kingdom of the Saints over us in themselves. In order to which design they have put all things out of order, and turned them upside down; nay, they have crucified the whole Kingdom with Saint *Peters* Crucifixion, the head downwards, and the Heels upwards.

When this King went into *Scotland*, He compared the Common-wealth to a Watch, which they had taken in pieces; and advised them to keep every piece and pin safe, and put all in their right places again; but now all the principal pieces are either broken, or lost. God grant them to number their houres better hereafter, and to cloze well with our Master Work-man; for though this Kingdom hath alwaies been *Ruled by King, Lords, and Commons*; yet by the KING, *architectonicè*; and by the *other* Two, *organicè*; the King as the Architect, the Lords and Commons as His Instruments; each in his proper sphere of Activity, without interfering: and till this again come in use, look for no peace.

The Independent Grandees of the Parliament and Army are much offended with the City, and their adherents, in Petitioning for a Personal Treaty with the King, and give out, *That when they have done with* Colchester, *they will humble the City, and bring it to better obedience*, for which purpose, they have already taken all the *Block-houses*, upon the River, East of the City, *Castle* West of the City, and are now fortifying *G[illegible]*

107 The Army's Aspect upon the City Peti[tion] Fre[quent]

Rumford in *Essex* South from the City; the like they intend at *Hampton Court*; and to build a Fort upon the *Isle of Dogs*, to keep under the Sea-men: whereby, possessing the principall wayes, and Avenues to the City, they shall neither feed, nor Trade, but at the discretion of the Army. In the mean time the Cities desires of a Personal Treaty are delayed and made frustrate by a tedious Conference between a Committee of Parliament, and a Committee of Commor-Council. And Counter-Petitions against a Personal Treaty are sent about by Alderman *Gybs*, *Fowles*, *Estwicke*, *Wollaston*, *Andrewes*, *Nye* the Independent Priest, and others, (who hold rich Offices by favour of the Grandees) to be subscribed even by Apprentice Boyes; whereby it appears the Independents have no intent to make peace with the King, but to engage in a new War, thereby to continue their Army, and our Slavery.

The yearly Income they raise upon the people under colour of this War, (besides the Kings Revenue, Sequestrations, and Compositions) amounts to three Millions sterling *per annum*, being six times as much as ever the most greedy and burdensom of our Kings raised: where our Stewards hide these our Talents (publick Debts and Arrears being unpaid) were worth finding out, if any but the Devil could give an Account thereof. But this is an unsoundable Gulf, here my plumb-line faileth me.

108 Major Gen. *Skippon's* complaint.

The 10 of *July*, Major General *Skippon* complained in the House of Commons of a printed Paper, called, [*A Motive to all loyal Subjects, to endeavour the preservation of his Majesties Person*] wherein (he pretended) he was falsly and scandalously slandered for speaking some words in the House to divert the Examination of Mr. *Osborn's* Charge against *Rolf*. The House (that is, the Independents) were as diligent to become his Compurgators, and vindicate his credit, by passing and Printing 5 Votes for him, as they had formerly been to ruine the *KING'S* Honour by passing a Declaration against Him. This fellow *Skippon* was heretofore Waggoner in the Low-Conntries to Sir *Francis Vere*, after that came over into *England* a poor forlorn Commander, and obtained of the King His Letters of Commendation to keep a kinde of Fencing School in the City Military yard, and teach the Citizens the postures of the Pike and Musket, and Train them; where he wore the mask of Religion so handsomly, that he soon

insinuated

insinuated into their favours, and found them very bountifull Patrons to him, there he got his fat belly, and full purse; from the City he became Major Generall to the new-modelled Army: and observing some discontents arising between the City and Army, and being willing to keep two strings to his bow, that he might uphold his credit with the City, he voluntarily submitted himself to some affronts purposely and politickly put upon him in the Army; and yet that the Army might understand him to be their creature, he marched with the Army in their Triumph through the City, still carrying himself as a moderate reconciling man, and sweetning the insolencies of the Army, by making milde and fair interpretations of their actions; yet still so much magnified the power of the Army, as if he would perswade the City they were beholding to the Army for making no worse use of their strength against them: Thus (as many other moderate, prudential men doe) he lay a good while undescried in the bosome of the City, and there as a Spie and Intelligencer kept Centry for the Army, untill such time as the City petitioning the Commons for *restoring of their own Militia to them again*, the Council of the Army, (to mock them with an uneffectual *Militia*) by their engaged party in the House, and the Committee of *Derby-house* (of which Cabal *Skippon* is one) caused their confiding man *Skippon*, not only to be named of the Committee of the *Militia* (although no Citizen) but to be obtruded upon the City as their *Major General*, *Commander in Chief of all their Forces*, without whom nothing is to be acted. This being resented and opposed, as contrary to the Cities Charter and Liberties, *Skippon* found he was discovered, and then (taking advantage of the Earle of *Holland*'s going forth into Arms) upon a Report from the Committee of *Derby-house*, the Commons ordered, *That a Party of Horse should be raised and listed under Skippon*: *Skippon* by vertue of this Order granted Commissions to divers schismatical Apprentices to raise men underhand, and authorized the said Commissioned Apprentices to grant Sub-commissions again to other Apprentices under them for the like purpose: This was pretended to prevent Tumults and Insurrections, but indeed it was to joyne with the Independent party of the City, and the army, (when they have done their work at *Colchester*) in purging the Presbyterians out of the Common-Council and Parliament; in

reference whereto, the Army have resolved not to march Northwards against the *Scots*, until they have brought this City to more absolute obedience, & laid it in the dust, according to *Cromwel*'s advice; as a preparative to which design, the prevailing party in the House, *July* 15. (hand over head) Voted, *All such* Scots *as are come into* England *in hostile manner, without consent of both Houses of Parliament of* England, *Enemies to the State; & all such* English *as do or shall adhere to, aid, or assist them, Traitors*: and the next day following, *Weaver* openly in the House affirmed, *That the* Scotish *design of D.* Hamilton, *the* Colchester *design, and that of the Earl of* Holland, *were all begun and carried on in the City of* London: to which *Ven*, the two *Ashes*, *Harvey*, *Scott*, *Miles Corbet*, *Blackstone*, Sir *Peter Wentworth*, and others gave applause: loe here a foundation laid for a new Charge against the City, when the Army are at leasure to make use of it. This Hypocrite *Skippon* when he had spoken any thing in the House prejudicial to the King or City, about a Week after (when the venom he hath spet hath wrought its effect, and is past remedy) usually complains in the House, *That his words are carried forth of the House, and maliciously & falsly reported in the City to his disgrace and danger*, and repeating in a more mild and qualified way some part of what he had formerly said, appealed to the House, *Whether that were not the full truth of his words?* when the House having forgotten his former words, no man can, and (for fear of the envy and malice of a powerfull Faction) no man will contradict him; this is his way of Apologizing and clearing himself. He hath got above 30000*l.* in his purse, besides 1000*l.* a year land of Inheritance given him by the Parliament. He hath secured his personal Estate beyond Sea, and his Wife and Children, and thereby withdrawn all pawns and pledges of his Fidelity both out of the power of the Parliament and City, and is here amongst us but in the nature of a *Souldier of Fortune*.

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Note, that upon the said 15 day of *July*, when the debate was *for Voting the* Scots *that were come in, Enemies, &c.* The first question was put, *That all such* Scots *as are, or shall come into* England, *in hostile manner, without consent of both Houses of the Parliament of* England, *were Enemies, &c.* but upon farther debate, the words (*or shall*) were left out, upon this consideration, *That the Earl of* Argyle *might happily come into* England *with a Party, and fall upon*

109
. Hamiltons
rmy Voted
nemies.

upon Duke Hamilton *in the rear to divert him.*

July the 20. The Speaker told the Commons, *that Major General* Lambert *had made stay of a Scottish Gentleman, one Mr.* Haly-barton *who passed through his quarters with Letters from D.* Hamilton, *to the two Houses, and the King; that he found about Mr.* Haly-barton *divers private Letters, for the carrying of which he had no publick Authority, and therefore* Lambert *made bold to Seal those private Letters in a packet by themselves with his own Seal and Mr.* Haly-bartons: *That* Lambert *had sent up Mr.* Haly-barton *with one Lieut. Col.* Osburn, *a Godly Scottish Gent: and another Keeper, in nature of a Prisoner.* This *Osburn* delivered that private packet to the Speaker; so a Committee was named to peruse that ptivate packet, and *Osburn* was called in to speak what he knew; who delivered at the Bar, *That the Goaly party in* Scotland *were oppressed and trodden under foot by Duke* Hamilton's *party, that their very Souls were afflicted at his proceedings, that the Kirk of* Scotland *with one mouth proclaimed in their faces their engagement and proceedings therupon to be damnable and destructive: he desired the House not to look upon these proceedings as the Act of the Nation of* Scotland, *since there were a great many Godly men who hoped the Lord would enable them in his good time to march into* England *with the Marquesse of* Argyle *and fall into the rear of Duke* Hamilton *with a diversion.* He reported, *the* Scots *that came in to be but* 8000 *Horse and Foot, and* Langdale *but* 2000. Then was read the Letters of D. *Hamilton*, wherein *He complaineth no answer had been given to the Parliament of* Scotlands *just desires of the* 26 April *last, That by authority of the Scotish Parliament he was necessitated to come into* England *according to the Covenant, & not without the invitation of divers well-affected English who had taken the Covenant.* There was a Declaration inclosed in the Letters, which the prevailing party obstructed the reading of (yet the Lords having printed it, they have since read it in the House) and presently the question was put, *That all such English as have invited the* Scots *under Duke* Hamilton, *to come in Hostile manner into* England, *shall be declared Traytors?* and carried in the Affirmative. I formerly told you, that about 12 *July*, *Weaver* moved, *That the Prince of Wales might be Voted a Traytor*: what they could not then carry with a fore-wind, they now brought in again with a side-wind; for who doubts but the Prince invited in

110 D. Hamilto Letter and Declaration brought to House.

111 L. Col. Osbu a fugitive Sc

the Scots to the relief of his Father and himself oppressed and imprisoned, contrary to the Solemn League and Covenant, by a Rebellious Army, and a schismatical party of both Houses engaged with the said Army: *And that the Scots are come in according to the Covenant only?*

112 A motion in the House of Commons to Bayl *Rolf.*

A little before this time *Tho. Scot*, Sir *P. Wentworth*, *Blackstone*, C. *Harvy Hill* the Lawyer, and others pressed the House with much earnestnesse *to Bayle* Rolf, *committed Prisoner to the* Gate-house *upon the Complaint of Mr.* Osburn *for endeavouring to make away the* KING: using many words in his commendation for *his godlynesse and faithfullnesse*, and complaining of *his hard usage in Prison* where he lay amongst *Rogues*. It was opposed by many, because *High Treason is not baylable by the Law*, neither *is the House of Commons a Court of Iudicature*; and therefore can *neither Imprison, nor Bayle any* but their own *Members*. At last Mr. *Sam. Brown* moved, *That a Committee might examine the businesse for matter of Fact, and report to the House, and then the House* (*if they saw cause*) *might Bayle him; and bind over Master* Osburn *to prosecute him next term in the* Kings-bench. This motion took effect, and great care was taken for the present, that *Rolf* might have better entertainment in the *Gate-house* according to his quality; having been not long since a Shoo-maker, one of the *Gentle-craft*.

113 The Speakers Warrant to search for the Foot-boy that beat Sir *Hen. Mildmay.*

About this time, 2 Files of Musketiers, by warrant from the Speaker of the House of Commons, came in the dead time of the night to the Houses of Sir *Paul Pynder*, and Alderman *Langham*, pretending to search for the Foot-boy that beat Sir *H. Mildmay*. They forced open the dores of Sir *Pauls* house, and searched with great diligence; but could not doe the like at Alderman *Langham's*, who being guilty of having some Money in his House, durst not adventure to obey the Warrant and open his dores; nor had he reason to do it, his House (by the Law) being *his Castle of Defence, the privilege thereof not to be violated but in case of Felony or Treason*. Compare the diligent prosecutions in the behalf of Sir *Harry Mildmay*, with the slack and negligent proceedings in the behalf of the King, and you shall find a new practical Law (contrary to the old known established Law) *That a Trespasse against a Grandee* (though but a Subject) *is more than a Treason against a King*.

Fears,

Fears and Iealousies arising from several Informations (as that of *Croply* and *Hyde*, called, *The Resolutions of the Army*) and diverse other Symptomes of danger, but especially *Skippons* secret Listing of Schismatiques in the City amongst the Congregations of Mr. *Goodwin*, Mr. *Patience*, and others, with power given him to kill and slay; his listing Servants against their Masters, and setting up a Power against a Power, had provoked that dull beast *the City* to know their own strength, to look into their Charter and the Customes of the City, and to Counter-list in their own defence: for which purpose, they passed an Act of Common Council, dated 27 *July* 1648. which was soon complained of in the House of Commons by *Ven*, *Harvey*, *Pennington*, and other ill Birds of that Corporation who usually defile their own nests, after many aggravations; that after they had fought with the King for the *Militia*, any power out of the Parliament should presume to exercise it: a Committee was appointed to Treate with a Committee of the Common-Council, *to hear what they could say for themselves, and by what authority they claimed the use of their own Militia.* The Committees met, and amongst other things the said question was asked, *By what authority they listed men?* To which was Answered, *That they did it by the Law of Self-defence, warranted by the Law of God, of nature, and of the Land*: and by a farther Authority: to question which, would make little for the advantage of the Parliament: This mysterious Answer stopped the mouthes of the Parliament Committee. If *London* should plead their Charter and usages, other places might doe the like; so this businesse was shut up in silence. Note that many Sectaries of *Westminster*, *Southwark*, and the *Hamlets* have been invited and countenanced to petition the House of Commons *against uniting their Militia's with* London, *upon pretended cavils*, As that they desired to have equal number of Voices in the *Militia* with *London*: But since *London* beareth 7 parts of 9 in the charge, it is an unreasonable demand.

114 Fears and Iealousies cause the City to assume the power of their own Militia.

By Orders (as is thought) from *Derby-house*, Colonel *Jones* Governour of *Dublyn*, hath seized upon most of the Presbyterian Commanders thereabouts, and sent them Prisoners to *Westchester*, as Sir *Maurice Eustace*, Sir *John Gyford*, Col. *Willoughby*, Colonel *Flower*, Major *Stephens*, Major *Capron*, &c. to make room for Independent Officers in his Army, *that the Saints only may possesse the*

115 The Governor of *Dublyn* seizeth and sendeth over Prisoners the Presbyterian Commanders.

the good things of the World; but chiefly, that his Army being Commanded by Antimonarchical Schismaticks may the better sympathize and unite with the Antimonarchical Papists in *Owen Roe Oneal's* Army, against the Lord *Inchiquin*, whereof the said Lord hath given some hint, as I have aforesaid. You see the predominant Principle is *Anti-monarchy*, which easily overswayes *Religion* on both sides.

116 A Frigot of the Princes taken with many Letters and Commissions.

Sir *Miles Levesey* having casually taken a little Frigot of the Princes, called the *Christopher* manned with one Captain *Green*, and 8 men, took divers Commissions in her, and a Letter of Mart, granted to the said Captain *to make prize of Rebels and Enemies Goods*, and a Paper of Instructions, prohibiting *Green to use any Hostility untill the Prince had published his Declaration, and untill it were designed who were His Enemies*; other writings were then taken, which were referred to a Committee of the House of Commons to peruse and report. Mr. *Lechmore* reported from the said Committee, *That some of those writings were not fit to be published in the House*, (hereby you see that the House is already divested of that Power and Authority which the People have Trusted only them with, and all is now usurped by confiding Sectary Committees) so Mr. *Lechmore* reported, *That there was an Adjudication out of the Princes Admiralty held in the* Isle of Jersey, *whereby a ship belonging to one* Tucknell *was adjudged against him, upon this ground given in the Adjudication, That* Tucknell *had taken that* damnable Oath, *called* [*The National Covenant.*] I appeal to any man that doth not hastily beleeve all he hears, whether it be probable the Prince (in such a conjuncture of time, when the Parliament it self says, *That the Prince invited the* Scots *to invade* England, *and had declared for them*) would hazard the losing of the *Scots*, by inserting such a clause in the Adjudication? All is not Gold that glisters; these Letters may be St. *Martins* ware, counterfeit stuff.

117 A design to seize on divers Presbyterian Aldermen, Lords and Commons.

About this time (it is reported by some that professe to know it) there was a design for *Skippon's* new listed men to seize upon Alderman *Langham*, Alderman *Bunce*, and some of the Lords and Members of the House of Commons in the night; whereof notice being given, some of the Members knowing that Treachery (like the Basilisk) dies if it be first seen, to shew that it was discovered, caused one of their Party in the House, to move, *That*

Skippon

Skippon *might be Ordered not to seize on, kill or slay any Member of either House.*

An Order passed the House of Commons for the Earl of *Warwick, to fight the Prince at Sea.* It was sent up to the Lords, and passed that House too; whereby it became an Ordinance. Yet some of the Lords entered a protestation against it, as the Earls of *Lincoln, Suffolk*, Lord *North.* 118 An Ordinance for the Earl of *Warwick* to fight the Prince at Sea.

2 of *August*, The Zealots of the House of Commons fell again upon the businesse of *Rolf*, at an unseasonable hour of the day, and in a thin House. They ordered *a Conference with the Lords about him*, and *That the Lords be desired to joyn with the Commons in Bayling of him*; and yet, for Treason, a man is not Baylable by Law. I cannot hear that Mr. *Osburn's* time of staying with Freedom and Safety to prosecute *Rolf* is renewed by the Commons, although it be expired; you see the Iron-bound Saints of the Army are impregnable, even against High Treason; if this Puny Saint be so inviolable, what hope have Major *Huntington*, and *John Lilbourn* to be heard against *Cromwell*? 119 More endeavours of the Independents in favour of *Rolf.*

For if the man such freedom have,
What then must he that keeps the Knave?

Yet if *Rolf* had but bastinadoed Sir *Henry Mildmay* (and that's no great matter) peradventure he had been prosecuted in earnest.

Thursday, 3 *August*, a Letter from the Earl of *Warwick* was read in the House of Commons, complaining *of the Refractorinesse of the Sea-men, and that he could not govern them without a Commission for Martial Law*; which was readily assented to; as any thing that cries up Arbitrary power, above the known Laws, usually is. But how this will agree with the discipline of the Sea, and how they will fight being so yoaked, I know not. 120 A Letter from the Earl of *Warwick* for Martial Law at Sea.

The same day a Letter passed the House of Commons, directed to the Assembly of the Kirk of *Scotland*, setting forth what the Parliament had done in way of setling peace, reforming the Church and Vniversities, and maintaining the Covenant and union between the two Nations, and complaining of Duke *Hamilton's* Invading *England* under the Authority of the Parliament of *Scotland*, to the Kirk there. How dangerous this president may prove to both Kingdoms, to make a few ambitious, pædantical Church-men supreme Iudges over Parliament and State affairs, 121 A Letter from the Parliament to the Assembly of the Kirk of *Scotland.*

in ordine ad Deum: and how apt they are to lay hold upon such occasions, and kindle their zeal into a consuming flame, I leave to all wise men to judge.

122 A Declaration and 2 Letters from the Prince, to the City. The Commons Debate upon them.

Thursday, 3. *August.* The Sheriffs of *London* and some of the Common Council brought to the House the Copies of two Letters they had received from the PRINCE; one directed to the Common Council, *expressing his Highnesse good affection to Peace, and to the whole City; and his endeavours to vindicate his Fathers Liberty and just Prerogative and Rights; to restore to the People their Laws, Liberties, and Property, to free them from that bondage under which they were now held like a Conquered Nation, to ease them of Excise and Taxes, to settle Religion according to his Fathers Agreement made with the* Scots, *and to reduce all things into their antient & proper Chanel.* This Letter was accompanied with his Declaration to the same purpose. The other was to the Merchant Adventures, *Informing them he had made stay of 3 of their Ships, but without any intent to make prize of them, desiring to borrow 200001. of them to be repayed out of the Customes, and requiring their speedy answer.* To which Col. *Harvy* (first aggravating many faults in the King's Government, according to the scandalous Declaration against him) said, *The Prince was his Fathers own Son, as like him as could be. That he had invited the* Scots *to come in, and declared for them; and had been formerly in Arms against the Parliament. That he was but a Subject;* And moved the House to declare him a *Rebell and a Traytor.* Sir *Peter Wentworth*, Mr. *Knightly*, and Mr. *Blackstone* seconded him with much earnestnesse; so did *Edward Ash*, who farther moved, *That the Common Counncil and Merchants should give no answer to his Letters*, saying, *there was no danger the Prince should make prize of their Ships, for that he had engaged to the States of the* Low-Countries *to do no act prejudicial to Trade.* At last the Debate was put off until the next day, being Friday: when the Speaker putting the House in mind of it again, It was earnestly called upon by the younger Sir *John Evelin* (Mr. Solicitors shadow) *Scot, Weaver, Holland, Boys*, and almost all the Godly Gang. So the Debate was resumed: and *Weaver* went very high to try the temper of the House. But the Debate *in Terminis*, That *the Prince should be declared a Rebell and a Traytor*, was soon laid by (though violently pressed) chiefly upon these reasons.

1. They

1. That they had not the Originals of the Prince's Letter and Declaration, (which the Common-Council still kept) but onely Copies, not so much as attested upon Oath by any authentical Clerk; therefore no Legal poceedings could be upon them.

2. To Vote the Prince a Traytor the same day when they sent Messengers to invite the King his Father to a Treaty of Peace, would argue no peaceable inclination in them, and would be so understood by the People.

3. They were engaged by the Nationall Covenant to defend the King's Person, Crown and Dignity; but the Prince, Heir apparent to His Crown, was (next under God) the chief supporter of his Crown and Dignity, therefore to Vote him a Traitor was to subvert his Crown and Dignity.

4. By the Stat. 25 *Edw.* 3. it is *High Treason to endeavour the destruction of the Prince, the Kings eldest Son*; but to declare him a Rebel and a Traitor, was to endeavour to destroy him; and therefore High Treason.

5. The people were already jealous that the KING and His Posterity should be laid by; and in them the Monarchical Government of this Nation subverted, and a new form of Government introduced; they had already by the Votes of *No Addresses to the KING*, and by their Declaration against Him (wherein they say, *They can no longer confide in Him*) laid by the KING, and now to Vote the PRINCE a Rebel and a Traytor, was to lay by both him, and his Brother the DUKE of *YORK*, who adheres to him, which would exceedingly confirm the people in their feares. But what they could not doe expresly, they did implicitly, by Voting *All that should adhere to, ayd, or assist the* PRINCE, *Rebels and Traytors*: Hereby they put a tie upon the City not to redeem their Ships, by lending 200001. to the Prince; and yet had a Pirat taken them, it had been lawfull to redeem them. All that adhere to the Prince declared Traytors.

123

Saturday, 5 *August.* The House of Commons went upon the Commissioners to judge of Scandals; there was a Clause in the Ordinance, *forbidding the Nomination of such as refused the National Covenant*; which was strongly opposed by the Independents, who argued, *That the National Covenant was but a League sworn mutually by the two Nations; that the* Scots *by Invading* England *had first broke it, and thereby set the* English at Liberty from it, *that* The National Covenant,

the Covenant was not Jure divino, *no more than Presbytery was.* To which was Answered, *That the large Treaty contained the League between the two Nations,* so did not the Covenant, which was *a Vow made unto God with our hands lifted up to heaven, for the maintenance and observation of the ends and principles expressed in the Covenant, from which no power on Earth can absolve.* That though the Covenant was not *Jure divino,* yet the keeping of it after we have taken it is *Jure divino,* it being the revealed will of God, *that we should not offer to him the sacrifice of fools;* a Covenant to day, and break it to morrow.

124 A new Militia erected in every County, in the hands of Sectaries.

Monday, 7 *August.* A particular Ordinance *to put the County of* Wilts *into a posture of defence* was read, many that were named to be Deputy Lieutenants, or Commissioners, were mean petty fellowes, as one *Read* a Serving-man, and others, such as refuse to Act upon the Ordinances *for setling Church Government,* and declare *that our Ministery is Antichristian,* and are new dipped Brethren that have been re-baptized. *These to have power to raise what men, and put arms into what hands they list; to fine* 10 l. *and twenty dayes Imprisonment for every default, and to levy* 400 l. *a week upon that poor County over and above the Taxes to* Fairfax's *Army, and* Ireland, *and Freequarter.* The general Ordinance to trust the Counties with their own defence, is obstructed, to give way to these particular Ordinances, That all the Arms and Garrisons of the Kingdom may be put into the hands of Antimonarchical Sectaries, and the *Militia* of Godly Cut-throats established in every County towards the putting down of Monarchy, and the erecting of the many-headed Tyranny of the Saints of *Derby-house* and the Army. This Ordinance was committed.

125 Letters uncharacterized, a new invented net to catch Presbyterians in.

Tuesday, 8 *August. Thomas Scot* made report to the House of Commons of the privat Letters brought out of *Scotland* by Master *Haly-barton,* (whereof I have formerly given you notice) this Gentleman being a publique Messenger from the Kingdome of *Scotland,* (and not from Duke *Hamilton* or his Army, whom only the House of Commons have declared Enemies, without the concurrence of the Lords) hath leave given him by the Lords to stay a Month in *England;* yet the Commons have since Voted he shall be gone in twenty four hours, or else he shall be sent home in Custody. These Letters are most of them written in Characters, yet this wel-gifted Brother *Scott,* hath found a New

Light

Light to Decipher them by; and can tell by Inspiration, or by Privilege of Parliament, what Cypher or Character must signifie such a Letter of the Alphabet, or such a mans name. This engine added to the Schismatical High Commission or Committee of Clandestine Examinations, is better than any spring or trap to catch any active Presbyterian that lies crosse to the design of the Godly.

They may suppose any mans name to lie hid under such or such Characters and Cyphers, and so accuse him by virtue of this mysterious art, of ayding or complying with the Scots or the Prince, and pin whatsoever the Faction pleaseth to call Treason upon his sleeve; these are the Arts of the Godly to make Innocency it self seem nocent, and remove out of the way such as hinder the erecting the Kingdom of the Saints.

These Letters so decyphered, were afterwards at a Conference reported to the Lords.

Wednesday, 9 *August.* The Answer to the City Petition (the day before delivered to the House of Commons) was reported to the House. It was an Answer to some of the Prayers of that Petition only, but gave no Answer to their desires, for the Disbanding of all Armies to ease the people of their Burdens. The restoring of the peoples Lawes and Liberties. The enjoyning all Members to attend the House; nor to the effectual observation of the self-denying Ordinance: this last is a *nolime tangere*; if all Members should be enjoyned to be self-denying men, there would be few Godly men left in the House; How should the Saints possesse the good things of this world? yet (after some debate, and divers expressions used by *Weaver* and *Harvey*, That it appeared by the Petition that the City would desert the Parliament) they gave an Answer to their desires concerning the union to be kept with *Scotland*, and a Cessation of all acts of Hostility during the Treaty of Peace; That they had Voted the Army under Duke *Hamilton* Enemies, and Declared, They would Act accordingly against them, to which they would adhere. 126 The City Petition answ

Master *Hungerford* argued, That because the Lords had denyed to concurr in the said Vote, he conceived the House could make no such Declaration, nor act therein without them. This put the Zealots into a flame, that any Member should argue against the Privileges of their House, so far as to deny them to be Almighty 127 The Comm debate to tak away the L Negativ voice and a ithout t

ty singly, and *per se* : *Reynolds* the Lawyer positively affirming; *That the House of Commons (being the Representative of all the People) had power to Act without the Lords for Safety of the people, in case the Lords deserted their Trust*: you see in this doctrine (as it hath been already, and is likely to be practised hereafter) a ground layed to subvert the foundation of all Parliaments for ever, and bring all degrees of men to a parity or levell. For the Parliament (by all the known Laws of the Land) consisting of 3. Estates,

1. *King*, 2. *Lords*, And 3. *Commons*.

Two of the Estates (*viz.* the Lords and Commons) have already laid by the King, and His Negative Voice; and now the Commons debate of laying by the Lords, and their Negative Voice, because (in their judgement) they desert their Trust. And so the Commons alone shall act as a Parliament without KING or Lords, untill falling into contempt and hatred of the people, (which will soon happen) the Grandees of *Derby-house* and the Army shall take advantage to lay the House of Commons by, and usurp the *Kings Supreme Governing Power*, the *Parliaments Legislative Power*, yea and *the Judges Iudicative Power to themselves*, and establish the *many-headed Kingdom, Tyranny or Oligarchy of the Saints* (so much contended for) in themselves. *O populum in servitutem paratum!* as *Tyberius* said of the *Romans*. This is the tail of the Viper, here lies his venom.

128 Dead men Sequestred, and the Sanctuary of the Grave violated,

Saturday, 12 *August*, A Message was sent to the Commons from the House of Lords in the behalf of Commissary General *Copley*, who had bought, and had a grant of the Wardship of the Heir of Sir *William Hanby*, for which he had paid Fine and Rent, and was outed of it by a Sequestration laid upon *Hanby*'s Estate after his death, he having been never questioned for Delinquency during his life-time; and this was maliciously done about the time when Master *Copley* was Imprisoned by the power of the Independent Faction, (whereof I have already said something) Master *Copley* desired the Sequestration might be taken off, and he permitted to enjoy his Contract made with the Court of Wards; alleging, that to Sequester or condemn a man after his death, when he could not answer for himself, was against the Laws of the Land, even in the highest crimes of Felony and Treason: and produced a President, *That the Committee of Lords and*

Commons

Commons for Sequestrations had taken off a Sequestration from the Lands of Andrew Wall, for no other reason but because Andrew Wall *was Sequestred after his death.* The case was diversly argued; it was alleged, *that in cases of the highest Treason no man was condemned after death because he was not then in being to answer for himself, there could be no proceeding in Law against a* non ens. In Felony *if a man will stand mute, he forfeits not his lands, because there wants an Answer,* and yet it was his own fault not to answer. The Parliament is bound by all their Declarations made both to the KING and People, and by the National Covenant which contains all the first and just Principles of the Parliament, *to defend the Laws and Liberties of the Land*, and not to subvert them. Take heed of giving so dangerous a President for Kings to act by hereafter against the People, and against this Parliament and their friends; since no man yet knows which way the tide may turn. But the Independent Faction (whose interest it is to keep themselves rich, and all men else poor) argued the case meerly upon point of profit and conveniency, and neglected the right and *jus* of the business. They alleged, *That men of desperate resolutions would not regard the losse of their own lives, so as they might preserve their Wives and Children: That the State* (as they pleased to stile it) *would lose much by such an example, they could not therefore approve of the lenity of the Lords and Commons used in* walls *case; many had been Sequestred after death*, and so arguing *a facto ad jus*, alleged, *that in cases of Monopolies, satisfaction had been awarded out of dead mens Estates.* But they forgot that out of Sequestrations no satisfaction is given to the parties wronged, the Committees and Sequestrators imbezelling the profits of them to increase their own gains, not bestowing them to repair injured mens losses, and so the equity upon which this President is founded, faileth in case of Sequestrations. Thus you see these greedy Canibal Saints (like the hungry dogs that ate *Iesabel*) will devour carrion, or any thing that will make them fat and full: yet they declared, *They were willing this* Sequestration *should be bestowed upon Master* Copley *as a Gratuity, not as a Right for fear of the example.* Observe, that if Master *Copley* had waived his Title by Composition, and accepted this Wardship as a Gift, they would presently have published it in their *News-books*, and *Gilbert Mabbot* should have proclaimed to all the world, that

Presbyterians

Presbyterians and Independents might be thought alike guilty of impoverishing the Kingdom: for the Faction labours nothing more than to have Companions in their sins and shames. At last it was passed, That Mr. *Copley* should have the Wardship restored to him, but great care taken it should not be drawn into example hereafter, that a man may not be Sequestred for Delinquency after his death, *Cavete vobis mortui atq; sepulti*, dead mens Graves are not secure from these *Lycanthropi*, these *Lon-garons*.

129 The Messengers to the King, report their Message in the House of Commons.

Monday, 14 *August.* Master *Bulkeley* in the name of himself and his fellow-Commissioner Sir *I. Hippesly* (sent to the King to acquaint him with the Vote of the two Houses, *That they desired a Treaty with the King upon the Propositions of* Hampton-Court *in what place of the Island of* Wight *He should think fit, and that the Treaty shall be with Honour, Freedom, and Safety to His Majesty*) Reported to the House of Commons all the circumstances and emergencies of their imployment, (the Kings Letter of Answer being carried to the Lords by the Earl of *Middlesex*, and therefore not delivered to the Commons for the present) which with much candor were related as followeth, *That the KING had them welcom, saying, they came about a welcom businesse (PEACE) which no man desired with more earnestnesse than Himself; and if there did not ensue a Peace, the fault should not lie at his dore; and that He feared no obstructions from any but those who gained by the War.* He farther said, *that His Majesty desired (immediatly after the delivery of the Votes) to speak a word with them in private, which they modestly excused for want of Commission.* That about two days after his Majesty seeing the said Commissioners of the Parliament standing in the Presence Chamber, first beckoned the Earl of *Middlesex* to him, and had some short discourse singly with him, and then with Sir *John Hippesly* and Master *Bulkeley* one after another. These three Gentlemen afterwards comparing their notes, found the Kings discourse to every of them to be all to one effect, *viz. Expressing His desires of a good peace*; and *importuning them to do all good Offices conducing thereto. He farther related, that when they took leave of His Majesty, He delivered His Answer in writing to them unsealed*; telling them, *He doubted not their fidelity, though ill use had been made of His last Answer which he sent open, it having been debated in private, & a prejudice put upon it, before it was*

pre-

presented to the Houses. This free and unpartial Report shewing how earnest his Majesty is for Peace, did the King so much Right, that the Antimonarchical Faction looked upon it as done to their wrong, and *Herbert Morley* presently spit out his Venom to this purpose, Mr. Speaker, *These Gentlemen have delivered all to you but what they should deliver, that is, the Kings Answer, which they have suffered first to be carried to the Lords; they might have delivered you at least a Copy thereof* (it should seem *Morley* had forgot that the House proceeds not upon Copies) *My motion is, that since these Gentlemen have exceeded their Commission by conferring privatly with the King, the House may do well either to question them therefore, or give them an Act of Oblivion for their good service*: This was cried upon a long time by the whole kennell of the Faction, and at last put off till the next day, when the Lords sending down the Kings Letter, the House should have the whole business before them.

130 The aforesaid Messengers again.

The next day being Tuesday, 15 *August*, the Kings aforesaid Letter of Answer with divers Votes thereupon were sent down from the Lords to the House of Commons, when presently the Beagles of the Faction spent their mouths freely against the said Commissioners again for lending the KING the civility of an eare in private, as aboveſaid. After a long debate, at last this Objection stopped the Mouths of Malice it self, *That if these Gentlemen had reported an averseness in the King to Peace (and aggravated His Words as other Messengers had formerly done, whereof the King seem'd to complain) it would have proved a welcome discovery, and have been rewarded with Thanks instead of an Act of Oblivion.* So with much adoe, *Thanks were given to the said Gentlemen with approbation of their proceedings.*

131 The *Militia* of *London*: Concerning private Listing by *Skippon*, and the *Militia* of the City.

The same day the *Militia* of *London* were called into the House of Commons, where Alderman *Gybs* in the name of the Common-Council and *Militia* (not by Petition, but in a set Speech) delivered the fears and jealousies of the City (even of the gravest, wisest, and best affected) occasioned by *Skippon's* underhand Listing of Schismaticks, Antimonarchists; his setting up thereby a power against a power, to the endangering of a civil War within the Bowels of the City; weakning of the Trained Bands, debauching Servants from their Masters, Children from their Parents. That under colour of *Skippon's* private Listings, other pri-

vate Listings were carried on by the Malignants, the Magistrates of the City not being able to question either, and distinguish one from the other. That fear was a violent passion, and was now grown so universal, that the Common Council knew not how to give satisfaction therein, the Citizens usually clamouring, *that if the Houses did not give them leave to look to their safety, they must have recourse to the Law of Nature, and Act in their Militia without the Houses in order to Self-defence, allowable by all Laws, and practised by this very Parliament against the King, and by* Fairfax's *Army against this Parliament.*

The Prayers of his Speech were three.

1. That *Skippon*'s Listed men might be under the Militia of the City.

2. That the expired Ordinance for Listing Forces might be revived.

3. That the Militias of *Westminster*, *Southwark*, and the *Hamlets*, might be united with the City as formerly.

To this clause of having recourse *to the Law of Nature for Self-defence*, great exceptions were taken in the debate of the House by the two *Ashes*, *Ven*, *Harvy*, *Scot*, *Weaver*, and other of the Godly pack. *That the Parliament having fought with the King for the Militia, and having got it by the Sword, any other Interest, upon any title whatsoever should dare to lay claim to any part of it.* You see these Lyons of the Tribe will allow no Beasts of different kind to share with them in their prey, although they did sweat and bleed with them in the hunting and catching of it. The Grandees may as well say *they have conquered our Laws and Liberties*; for (as I have in my *General Conclusione* cited) they say, *That they fought with the King for his Negative Voice, and Legislative Power, and that God hath by the Verdict of the Sword given judgement for them*; and yet when the King claimed them by a better and more legal Title than the Sword, they could object the equity of the Laws against the killing letter of them, which they say, directs still to the equitable sense of all Laws, as dispencing with the very letter thereof, as being supreme to it when safety and preservation is concerned, and alleging, *That all Authority is seated fundamentally in the Office, and but ministerially in the persons; and that it is no resisting of Magistracy to side with the just Principles of Nature.* See the Declaration and Papers of the

Army

Army, p. 39. 40. and the Exact Collect. p. 150. *& alibi passim.* In conclusion, after a tedious debate, the desires of the Citizens were referred to a Committee of the House to be wyer-drawn into an Ordinance, *That all Forces raised, and to be raised in the City of* London, *& the Liberties thereof, should be subject to the Militia of* London (whereof *Skippon* is a Member) *and under the Command of Major General* Skippon. When this Ordinance will be perfected, what the sense and meaning of this Riddle is, and what dangers may befall the City if *Colchester* be taken, or the *Scots* beaten, before they have leave to put themselves into a posture of defence, God knows. It was farther referred to bring in an Ordinance for uniting the aforesaid *Militias*. You see how jealous they are of late of the *Militia*, since the Grandees entertained new Principles, and new designs. In the Propositions presented to the King at *Newcastle*, the Proposition for the *Militia* hath this proviso, Provided *that the City of* London *shall have and enjoy all their Rights, Liberties, Franchises and Customs, and Vsages, in raising and employing the Forces of that City for the defence thereof, in as full and ample manner to all intents & purposes, as they have, or might have used or enjoyed the same at any time before the making of this Act or Proposition: to the end that City may be fully assured, it is not the intention of the Parl. to take from them any Privileges or Immunities in raising & disposing of their Forces, which they have, or might have used or enjoyed heretofore.* This is a cleer confession, that by the antient Customs and Usages of the City, they have Right to their own *Militia*, or else this *proviso* were vain; howsoever the learned Counsel of the City fool them. The like *proviso* word for word is contained in the Proposition for the *Militia* of *Hampton* Court, saving that the last clause, *That the City may be assured the Parliament hath no intention to take from them any Privileges, &c.* is omitted, I think to please the Army and their engaged party. See the Letters, Papers, Transactions of the English Commissioners in *Scotland* with the Scots, &c. p. 58.

Wednesday 16 *August*. The Kings said Letter was read, and the Lords Votes thereupon: first, (after some little opposition) the Commons concurred with the Lords in recalling the 4 Votes *for making and receiving no Addresses to or from the King*: thereby, 1. Absolving Him from a kind of Parliamentary Excommunication. 132 The Lords Votes upon the Kings Letter, debated the House Commons.

2. Restoring to all Free-born Subjects the Liberty they are born to, of presenting their humble desires to His Majesty, and performing the duties of their Allegiance and Oath.

And 3. Reducing themselves unto that scope and end, for which only the Writ summons them as a Parliament, *viz. To Treat with the King.* The second Vote, was, *To recall the Instructions of Parliament given to* Hammond, *how to carry himself in his Charge towards the King, His Servants, and all Resorters to Him, &c.* This was laid by, to be debated in the last place, after all the rest of the Lords Votes. The third Vote read, was, *That such men of all professions as the King should send for, as of necessary use to Him in the Treaty, may be admitted to wait on him, and that He might be in the same state of Freedom He was in when He was last at* Hampton-Court. This Vote (instead of concurring with the Lords) was divided. The first part (after many objections to it) was moulded into this following question, and carried in the affirmative, *That His Majesty might send for men of all professions, and He being desired first to send in a List of their Names to the Parl. and nominating no Person excepted out of Pardon, none that have been in Actual War against the Parliament, nor any man that is under restraint of the Parliament.* The latter part of this Vote, *for enjoying such Freedom as He was in at* Hampton Court, was diversly argued for the Ambiguousnesse of it; the question being, *Whether such freedom as the Parliament allowed Him, or such freedom as the Army* (for their own ends) *gave Him, de facto, were intended?* at last the question was agreed to be *in Terminis.* The fourth Vote, was, *That the Scots should be invited to the Treaty:* this likewise was doubtfully argued, 1. *Whether they should be invited by the Parliament? considering they had broken the large Treaty, National Covenant, and Union, by surprizing and Garrisoning* Barwick *and* Carlisle, *and by extring* England *with an Army:* this was carried in the Negative. The 2. Debate, was, *Whether it should be left to the King to invite the Scots to send some persons authorized to Treat upon such Propositions as they should make for the Interest of* Scotland *only?* This likewise was opposed for the reasons aforesaid, and because the Power and Authority of *Scotland* was now in the hands of Duke *Hamilton* and a few disaffected persons, who were not likely to send any of the honest Godly party to Treat, whereby the Treaty would be carried on

to

to the disadvantage and ruine of the Godly and of the Church, our only friends there: And Mr. *Asshurst* related, *That the major part of the pact Parliament of* Scotland *over-powred the minor part by an Army, and so got the Engagement and other Acts, and the Committee of Estates passed, against which the Assembly of the Kirk (consisting of 400 persons) declared with one Voice.* I know not what he meant, by saying *the major part in* Scotland *overpowred the minor*, when I consider that *major pars obtinet rationem totius*, the major part is virtually the Parliament, to which the minor part must submit; although here in *England* the lesser part of the Parliament engaging and conspiring with an Army (whom themselves in a full and free Parliament had formerly declared *Enemies to the State*) overpowred the greater part, contrary to reason and practice. This question seemed to agree with the sense of the Independents reasonably well, because it leaves it only to the pleasure of the King to Treat dis-junctively with the *Scots* upon the sole Interest of *Scotland*, as men no wayes concerned in the settlement of Peace in *England*; whereby it is tacitely inferred, that the Treaties, Covenant, and Union between the two Kingdoms is dissolved, so the question aforesaid was put with this addition, *That if the King shall be pleased to invite the* Scots *to send some Persons Authorized, &c. the Parliament will give them safe conduct.* The fifth Vote of the Lords was, *That* Newport *in the* Island of Wight *should be the place of Treaty*: to which the Commons concurred. With these debates ended this Week the 19 day of *August*.

About this time came forth a Book entituled, [*The necessity of the absolute power of all Kings; and in particular, of the King of* England] concerning which, I am to admonish the Reader, that it is conceived to be a Cockatrice hatched by the Antimonarchical Faction, to envenome the people against the KING and PRINCE. 133 A pestilent Book, called, [*The necessity of the absolute power of Kings, &c.*]

The next Week begins with Monday 21 *August*, of whose proceedings I can give you only an imperfect scambling relation; and so shall surcease all farther endeavours in this Kind, because I have already delivered enough for your Instruction, if God have not appointed you to be led blindfold into the pit digged for your destruction; but principally because my good *Genius*, that furnisheth me with Intelligence, hath now retired

himself from acting without hope, to praying with faith, for his Country; being tired out with hearing and seeing so much sinne and folly as now raigns at *Westminster*: and I love not much to take news upon trust from the vulgar Peripatetticks of the Hall.

134 Mr. *Martyns* levelling Practices and Principles.

The chief things of note were, More Complaints of *Henry Martyn*, who now declares himself *for a Community of Wealth*, as well as of Women, *and protests against King, Lords, Gentry, Lawyers, and Clergy*, nay, *against the Parliament it self*, in whose bosome this Viper hath been fostered, and *against all Magistrates*; like a second *Wat Tyler*, all Pen and Inkhorn-men must down. His Levelling Doctrine is conteined in a Pamphlet, called, [*Englands Troublers Troubled*] wherein, *All Rich men whatsoever are declared Enemies to the Mean men of* England, and (in effect) Warre denounced against them.

135 *Skippon's* Listings.

Next, the Ordinance *for transferring over to the Militia of* London Skippon's *power of listing men in* London, was passed in the House of Commons, with this Coloquintida in it, *That* Skippon *should name and appoint Commanders and Officers for the Forces listed, to be approved of by the Militia of* London.

136 *Cromwel's* laureat Letters 20 Aug. 1648.

A Letter from *Oliver Cromwel* was read in the House of Commons, *relating his easie victory over Duke* Hamilton *and Major Gen.* Bayly, (which puts me in mind of *Ovid's* Victory over *Corinna*, of whom he saith,

Victa est, non ægrè, proditione sua.)

and conteining an admonition *not to hate Gods people, Who are as the apple of his eye, and for Whom even Kings shall be reproved: and exhorting the Speaker* (to whom it was written) *to fulfill the end of his Magistracy, that all that Will live peaceably and quietly* (*viz.* in Vassalage to *Oliver* and his Faction, and neglect Religion, Laws, and Liberties) *may have countenance from him.* (God blesse all honest men from the light of *Oliver's* countenance, lest an *ignis fatuus* mislead them from the duties of their Oaths of Allegiance, Supremacy, Protestation, and Covenant) *and they that are implacable, may speedily be destroyed out of the Land.*

137 Martial Law in *London.*

To prepare the way to whose destruction, it was Ordered, *That an Ordinance be penned, and brought into the House of Commons, to try all such by Martial Law in the City of* London *as shall be found to plot, design, or contrive any thing, to endanger the Parliament or City.* And yet *London* is no Garrison now as it

was

was when *Tomkins* and *Challoner* were tried; nor is there any Enemy considerable in the Field, whereby the known Laws of the Land may not passe currently through the Kingdom: but our known Laws are not written in blood; nor are they so flexible as to make all Traytors, the Faction pleaseth to call such.

138 *Rolf's Bayl again prest.*

Yet as cruel as these Caco-fuegos of the Faction are to some, they have mercy enough for *Rolf*, whose Bayl was again exceedingly prest: and that his two Prosecutors *Osburn* and *Dowcet* should be under restraint in his stead; whom they have forejudged (out of the King's Letter to the Houses) not to be able to prove their information, whereas it may be discretion in the King not to encrease his danger by acknowledging it.

139 The KINGS Letter to the States of *Scotland* taken from *Haly-barton.*

Saturday, 26 *August.* The King's Letter to the Committee of States in *Scotland*, &c. in Answer to their Letter sent to Him by *Haly-barton* (which Letter was taken from *Haly-barton*, although a publique Minister of State, and allowed by Parliament to carry their Letter to the King) was read in the House of Commons.

I hear in general, that it was excellently well penned, and a very just, honest, and peaceable Letter. Yet it was Voted, neither to be sent to the Lords, nor to be restored to *Haly-barton*; but damned to close imprisonment in a Box, under Seal; lest the people should know how truly zealous his Majesty is to settle Peace in the Land: a mystery their understandings must not be trusted withall.

Prolegomena.

Promises, Protestations, and Covenants, made by this Parliament in behalf of the King and People.

Remonstrance 15. Decemb. 1642. Exact Collect. p. 19

After a repetition of many good Acts and Concessions obtained by this Parliament of the King for the ease of the People, they say farther, *that other things of main importance for the good of this Kingdom are in Proposition, &c. which yet before the end of this Session they hope may receive some progresse and perfection; As the establishing and ordering the Kings Revennue, &c. The Regulating*

ting of Courts of Justice, and the abridging both the delaies and Charges of Law Suites, &c. Preventing the exportation of Gold and Silver; and the inequality of Exchanges between this and other Kingdoms; improving the Herring fishing upon our Coasts, &c. which things in all their Propositions and Addresses to the King have not been once mentioned, nor any thing else but what makes for the profit, preferment, and power of a few ambitious Grandees of the Parliament, and Army; in order to which, they demand the *Militia* of a standing Army, with an arbitrary power to raise what Forces by Land and Sea, consisting of what persons, and to raise what sums of Money out of every mans Estate they please: which power the King hath not to give, neither did He nor His Ancestors ever exercise: the only *Militia* they used having been either the *Posse Commitatus under the Sheriffs*, which is very legal and antient, or *the Militia of Trained Bands under Lord Lieutenants, and their Deputy Lieutenants*, which is a new invention. Nor did the policy of our Law ever trust the *power of the Sword*, and *the Purse in one hand*, for fear of enslaving the People.

Ex.Col. p. 19. They farther declare, *That it is far from their purpose or desire to let loose the Golden reigns of Discipline and Government in the Church, to have private persons or particular Congregations to take up what form of Divine Service they please, because they hold it requisite that there should be throughout the whole Realm a Conformity to that Order which the Laws enjoyn.*

Ex.Col.p.203. They farther say there, *That the gracious favour His Majestie expressed in the Bill for continuance of this Parliament, and the advantage and security which they thereby have from being Dissolved, shall not encourage them to do any thing, which otherwise had not been fit to have been done.*

Ex.Col.p.281 They conclude the said Declaration thus, *That they doubt not but it shall in the end appear to all the World, that their endeavours have been most hearty and sincere, for the maintenance of the true Protestant Religion, The Kings just Prerogatives, The Laws and Liberties of the Land, and the Privileges of Parliament, in which indeavours (by the Grace of God) they would still persist, though they should perish in the work.*

Ex.Col p.375. In their Declaration, 4 *June* 1642. The Lords and Commons do declare, *That the Design of their Propositions for Plate & Mony is, To maintain the Protestant Religion, the King's Authority and Person*

Person, in his Royal Dignity; The free Course of Justice, The Laws of the Land, (what then becomes of Martial Law, and Committee Law?) *The Peace of the Kingdom, and Privileges of Parliament.*

In their Propositions for bringing in Money and Plate, 10 *June* 1642. the Lords and Commons declare, *That no mans affections shall be measured according to the proportion of his offer, so that he expres his good will to the Service in any proportion whatsoever*, (that is, so that he ingage with them) yet notwithstanding the 29 *Novemb.* following, the same Lords and Commons appointed a Committee of 6 persons, who should have *power to assess all such persons as were of ability, and had not Contributed, and such as had Contributed, yet not according to ther ability*, (which is now looked upon as a Malignancy) *to pay such sums of Money, according to their Estates, as the Assessors, or any of them should think fit, so as the same exceeded not the* 20 *part of their Estates.* The power is still exercised by all Country Committees, to a 5 and a 20 part, charged upon all men, even such as have been destroyed and undon, or laid forth themselves beyond their abilities, for their service to this Parliament. Ex.Col.p.34 Ex.Col p.7

In the *National Covenant* taken by this Parliament, and by them imposed upon the Kingdom to be taken with *hands lifted up to the most High God*, the Lords and Commons vow, *To maintain the King's Person, Crown and Dignity, in Defence of Religion, Laws, and Liberties, &c. To suppress all Errors, Heresies, Blasphemies, and Schisms; and to defend one another mutually in the same work With their lives and fortunes*; yet is the same Covenant now cast aside, and called, *An Almanack out of date.* Many men have been punished for attempting to keep it. And (I hear) the House of Commons are now upon passing an Ordinance for *Martial Law to be executed in* London, *upon all such persons as having taken the said Covenant, shall attempt or design any thing against the Parliament or City of* London: what is this but to impose a special penalty upon such as have taken the Covenant, and leave those that have not taken it free? And who doubts but that the said Council of Warr shall consist of Anti-monarchical Schismaticks and Anti-covenanters, for the most part, who shall stretch every word to the utmost extent. And this is now in brewing, contrary to the *Petition of Right*, 3 *Caroli*, & *Magna Charta*, no considerable enemy being in the Field, and the Courts of Justice in *Westminster hall* sitting:

nay, I hear (like *Janus Bifrons*) this Law (if I do not miscall it) looks backwards to Acts past, as well as forward, contrary to the nature of all Laws, which have an admonishing power to warn men of the evil to come, before they can have a punishing power for evils passed: Therefore the Apostle saith, *Sin is a breach of a Commandement, (or Law) I had not known Sin but by the Law.* The Law therefore must be previous to the Sin. How the said Promises and Covenant, and many more have been kept, let the world judge.

What the Promises, Undertakings, and Propositions of the Army have been in order to setling the peace of the people of this Kingdom, and of the King's just Rights and Prerogatives, and their own Disbanding, are to be found in their many printed Papers; which I will here omit, because they had no lawfull calling or warrant for such undertakings, and how they have been prosecuted and performed, is obvious to every capacity.

General Conclusion: *Out of these Premisses, I shall draw these Conclusions following.*

1 The Grandees have subverted the fundamental Government of the Kingdom, and why.

1. THe *engaged Party* have laid the *Axe* to the very root of *Monarchy* and *Parliaments*; they have cast all the Mysteries and secrets of Government, both by Kings and Parliaments, before the vulgar, (like Pearl before Swine) and have taught both the Souldiery and People to look so far into them, as to ravel back all Governments, to the first principles of nature: He that shakes Fundamentals, means to take down the Fabrick. Nor have they been careful to save the materials for Posterity. What these negative Statists will set up in the room of these ruined buildings, doth not appear, only I will say, *They have made the People thereby so curious & so arrogant, that they will never find humility enough to submit to a civil rule*; their aim therefore from the beginning was to rule them by the power of the Sword, a military Aristocracy or Oligarchy, as now they do. Amongst the antient *Romans*, *Tentare Arcana Imperii*, to prophane the Mysteries of State, was Treason; because there can be no form of Government without its proper Mysteries, which are no longer Mysteries than while they are concealed. Ignorance, and Admiration arising from

from ignorance are the Parents of civil devotion and obedience, though not of Theological.

2. Nor have these *Grandees* and *their party in the Synod*, dealt more kindly with the *Church*, than with the *Common-wealth*; whose reverend mysteries, their Pulpits and holy Sacraments, and all the functions of the Ministery are by their connivence profaned by the *clouted shoe; the baseſt and loweſt of the People making themselves Priests*, and with *a blind distempered zeal Preaching such Doctrine as their private spirits* (spirits of illusion) *dictate to them*; But let them know, *that their burning zeal without knowledge, is like Hell fire without light.* Yet the greatest wonder of all is, *That they suffer the Lords supper* (that Sacrament of Corroboration) *to be so much neglected in almost all the Churches in the Kingdom: Is it because men usually before they receive our Saviour* (that blessed guest) *sweep the house clean, casting out of their hearts* (those living Temples of the holy Ghost) *Pride, Ambition, Covetousnesse, Envy, Hatred, Malice, and all other unclean Spirits to make fit room to entertain* Iesus, *that Prince of Peace*, whereby the People having their minds prepared for *Peace, Charity* and *Reconciliation*, may happily spoil the *trade* of our *Grandees*, who can no longer maintain their usurped dominion over them, than they can keep them dis-united with quarrels and feuds; and uphold those badges of factions, and tearms of distinctions and separation, *Cavaliers, Roundheads, Malignants, Well-affected, Presbyterians*, and *Independents?* or is it because they fear, if the Church were setled in peace and unity, it would be a mean to unite the Common-wealth, as a quiet cheerfull mind often cureth a distempered body? I will not take upon me to judge another mans Servant; but many suspect this is done out of design, not out of peevishnesse.

2 They have subverted the Church.

The Sacrament of the Lords Supper discontinued, and why?

3. That these *Grandees* govern *by power*, not *by love*, and the *Laws of the Land*, (which was my last assertion) appears by,

3 The Grandees rule by the arbitrary power of the Sword, not by the Lawes.

1. The many Garrisons they keep up, and numerous Army they keep in pay to over-power the whole Kingdom, more than at first the Parliament Voted all in the hands of Sectaries.

2. Their compelling the Parliament to put the whole *Militia* of *England* and *Ireland* by Land and Sea, in the power of Sir *Thomas Fairfax* and their Party, together with all Garrisons.

3. Nor do they think the Laws of the Land extensive enough for their purposes; therefore they piece them out with Arbitrary Ordinances, impeachments before the Lords, and Marshall Law, which is now grown to that hight, that the Council of War, General, and Iudge Advocate of the Army do usually send forth Injunctions to stay Sutes, and release judgements at Law, or else to attend the Council of War whersoever they sit, to shew cause to the contrary; and when Lieutenant Colonel *Lilburn* was ordered to be brought to the Kings-Bench-Bar, upon his *habeas Corpus*, Easter Term, 1648. *Cromwell* sent word to the Lieutenant of the *Tower* not to bring him; and *Cromwell* was obeyed, not the Iudges. Thus the *Laws of the Land* are dayly baffled, that men may be accustomed to arbitrary Government, and those actions which no *Law of the Land* calls a *Crime*, may be interpreted *Treason* when our *Grandees* please to have it so.

4. Their *allowing money* to some *Committes* to *reward Informers*, *Spies* and *Intelligencers*, to *betray* even their neerest friends and relations.

5. Their *holding Honest*, *Generous*, and *Grave men in suspition*, and making the *Houses of Parliament and Army* snares to them, expelling them with *false* and *extrajudicial Accusations*.

6. Their *owning dishoneſt*, *base-minded men*, that have *cheated the State*, as instruments fit to be *confided in*, and associate with them in *time of danger*.

7. Their *impoverishing the people with confused Taxes*, *decay of Trade*, *and obstructing of their Mint*, and *thereby breaking their spirits*.

8. Their *changing* and *dividing the Militia* of *London* purposely to *weaken it*.

9. Their *not restoring to the Counties their Militia*, and trusting them to *defend their own houses* as formerly.

10. Their *nourishing Factions in the Common-wealth*, *Schisms in the Church*.

11. *Expelling learned Divines* to let in *ignorant men*. All these are tyrannical policies grounded upon the old principle, *That a Tyrant should deprive his Subjects of all things that may nourish courage*, *strength*, *knowledge*, *mutual confidence and charity amongst them*; which Maxim the best Politicians say contains the *whole Systeme or method of Tyrannical Government*.

4. As

4. As this encroaching Faction have *usurped all the Military and Civil power of both Kingdomes*; so they have *monopolized all the great Offices, rich Imployments, and Treasure of the Land*; they are clearly the predominant party in all *Money Committees*; they *give daily* to one another *for pretended Services, Arrears, and Losses, great sums of money*; many of their Largisses I have already set down. They gave lately to Col. *Hammond* Governour of the *Isle of Wight*, for his Table 20l. a Week, 1000l. in money, and 500l. a year land; to Major General *Skippon* 1000 l. *per annum* land of Inheritance; to Colonel *Mitton* 5000l. in money; *Prideaux* hath 100 l. a Week benefit by the Post-Masters place; his whole Estate (before this Parliament) was hardly worth 1000 l. nor is he eminent for any thing but *impudence* and *arrogance*. Mr. *Rowse* hath *Eaton College*, worth 800 l. *per ann.* and a Lease of that College worth 600l. *per annum*, Sir *William Alanson* the Hamper-Office, and *Crab Castle* worth 600l. *per annum*, bravely wooded: Alder. *Hoyl* of *Yorke*, the Treasurers Remembrancers Office: Mr. *Sallaway* a poor Grocer, the Kings Remembrancers Office; neither of which, are able to read any one Record in those Offices. *Tho. Scot*, *Lambeth-house*: Sir *Wil. Brereton*, *Croyden-house*. Col. *Harvey*, *Fulham* and *Norwich-houses*. Mr. *Lisle* the Mastership of St. *Crosses*: *Dennis Bonds* 3 Sons, each of them a Place worth 500l. a year, besides many others. All the cheating, covetous, ambitious persons of the Land, are united together under the name and title of *The Godly, the Saints, &c.* and *share the fat of the Land between them*, few of them *pay any Taxes*, but *all the Land payes Tribute to them.*

4 The Independents divide the Taxes, Spoils, and preferments of the land between them.

It is thought this *Faction*, their *under-Agents* and *Factors* have cost this *Commonwealth* above 20 *millions* never laid forth in any publick service; nay, the *Treasurers* and *Publicans* of this *Faction* have *clipped* and *washed* most of the *Money* that comes into their fingers before they pay it forth, knowing that any *money* that comes out of their fingers will be accepted: *two Gold-smiths* are thought to be *dealers this way*, yet they *lay the blame* on the *Scotish Army*, as the *Cuckow lays her brood in other Nests*.

5. Having thus imped their wings for flight, they have provided themselves of places of retreat in case they cannot make good their standing in *England*: *Ireland* is kept unprovided for, that they may find room in it when necessity drives them thither. If

5 The Independents provided of places of retreat to flee to.

their hopes fail in *Ireland*, they have *New-England*, *Bermudas*, *Barbadus*, the *Cariby* Isles, the Isle of *Providence*, *Eleutheria*, *Lygonia*, and other places to retreat to, and lay up the spoils of *England* in: nay they usually send *chests* and *vessels* with *money*, *plate* and *goods* beyond Sea, with *passes* from the *two Speakers to let them passe without searching*: the *Navy* is in their power to accommodate their *flight*, and by their instruments called *Spirits*, they have taken up many Children and sent them before to be *Slaves* and *drudges* to the *Godly* in their *schismatical Plantations*, as the *Turk* takes up *Tribute Children* from the *Christians* to furnish his *nursery* of *Ianisaries*; and so they have their *Agents* that buy up all the Gold they can get, *Cromwell* not long since offered 110001 in silver for the 10001. in gold; besides he is well furnished with the Kings Iewels taken in his Cabinet at *Nazeby*; many of them known Iewels, as the *Harry* and the *Elizabeth*.

6 The vulgar Independents but props and properties to the Grandees.

6. Nor shall the vulgar sort of *Independents* either in *Parliament*, *Army*, or *City*, fare better than the rest of the *Kingdom*. The *Grandees* both of *Parliament* and *Army* endeavouring to adjourn the *Parliament*, and draw all the power of both Houses into the Committee of *Derby house*, consisting but of 30. or 40. the rest of the *Independent Members* will find their power dissolved in the Adjournment, and swallowed up by that Committee, and their services forgotten; nor shall they have any power in the *Militia*, which is the only quarrel between them and the King; the *Grandees* disdaining to have so many Partners in that which they have got by their own wits; for know, that the *Grandees* have always been winnowing the Parliament. First, they winnowed out the *moderate men*, under the notion of the *Kings party*, then the *Presbyterians*, and now they will winnow forth the *lighter* and more *chaffy* sort of *Independents*, who stand for the *Liberty of the People*; a thing which *Cromwell* now calleth, *A fancy not to be engaged for*; and so they will bring all power into their own hands. Thus having contracted the *Parliament* into a *Committee of Safety*, they will adjourn themselves (though the Parliament cannot) to *Oxford* or some other place which they more confide in than *London*: and this is the *setling the Kingdom without the King*, they so much aim at; and which, they had rather the people should be brought *practically* and by *insensible degrees*, than by *Declarations* held forth to them before-hand, or

by

by *politick Lectures* in the *Pulpit*. Thus it is decreed, that this Cabal of *Godly men* at *Derby-house* shall with a *military Aristocracy*, or rather *Oligarchy*, rule this *Nation* with a *rod of Iron*, and break *them in pieces* like a Potters *Vessel*.

Observe, that the *Ordinance* by which the *Committee* of *Derby-house* is revived, and the *addition* of Power to it, are purposely penned in such ambiguous terms, that *He that hath the Sword in his hand, may make what construction of them he pleaseth*: neither were they cleerly penned, Is it in the *power of the Houses* (being but the *Trustees* of the people) *to transfer or delegate their trust to a lesser number of Men a trust not being transferrable by Law, and the people having chosen a Parliament, not a Committee, to look to their safety and peace.*

7. The *Grandees* of the Parliament and Army have brought the Kingdom to so miserable a condition, that they have left no Authority in *England* able to settle peace: The KING is a close Prisoner to the Army, therefore all he shall doe will be cleerly void in Law, by reason of *Dures*: The Parliament is in Wardship to them, who keep armed Guards upon them, Garrisons round about them, and by illegal Accusations, Blank Impeachments, threatning Remonstrances, and Declarations, *&c.* fright away many Members, and compell the rest to Vote and un-Vote what they please, whereby all the Parliament doth is void and null in Law *ab initio*, it being no free Parliament, but a Sub-committee to the Army, and living as the *Egyptians* did, under vassalage to their own *Mamaluchi*, or Mercenaries: The people therefore must resolve either to have *no Army*, or *no Peace*.

7 The Army hinder Peace & Settlement.

8. They have put out the eyes of the Kingdom, the two Universities of *Oxford* and *Cambridge*, and have brought the whole Land to make sport before them; knowing that *Learning* and *Religion*, as well as *Laws* and *Liberties*, are enemies to their barbarous, irrational, and *Russian* way of Government.

8 The two Universities destroyed.

9. Many honest men took part with this Parliament, seduced by those fair pretences of *defending Religion*, *Laws* and *Liberties* which they first held forth to the People; and being unwilling to have a *Parliament* conquered by *the Sword*, not thinking it possible that a *prevailing Faction* in Parliament should so far prevaricate as to *conspire to enslave King, Parliament, and Kingdom, to subvert the Laws, Liberties, and fundamental Government of the Land*, under

9. Many honest men seduced by fair pretences, took part with them; never intending to leave their first principles, and enslave King, and Kingdom.

der which *they and their Posterity were, & were likely to be so happily governed; and betray Religion unto Heretick & Schismaticks, and share the Spoils of the Commonwealth between them, and think of enriching themselves with them in forein Lands*; yet many at the beginning *much disliked*, that *Religion* should be used as an *ingredient* to the carrying on of a *Civil War*, and that *Schismaticks* should have so great a stroak in managing the business; yet were pacified with this consideration, that we must refuse no helps in our defence: if a man be assaulted by Thieves on the high-way, he will not refuse to joyn with Schismaticks or Turks in a common defence; the same authority that then countenanced these Schismaticks (it was hoped) would be able to discountenance them again when the work was done. But the *Grandees* of the Houses, (having other designs) had so often purged the Houses, that they left few honest moderate men in them to oppose their projects; still bringing in Schismaticks, and men of their own interests, by enforced and undue Elections, into their rooms, and so by insensible degrees, new modelled the House suitable to their own corrupt desires, and new modelled the Army accordingly; so that the people (who had no intention to be interested so far) were step by step so far engaged before they were aware, that they could not draw their feet back, and do now find (to their grief) that the Bit is in their mouths, the Saddle fast girt on their galled backs, and these Rank riders mounted, who will spur them (not only out of their Estates, Laws, and Liberties, but) into Hell with renewed Treasons, new Oathes, Covenants and Engagements, if they take not the more heed and be not the more resolute: they have changed their old honest principles, and their old friends, who bore the first brunt of the business, and have taken new principles and friends in their room, suitable to their present desperate designs, and now (that they have squeezed what they can out of the Kings party) they think of sequestring their old friends because they adhere to their old principles.

10. Who are the Kings bitterest enemies.

10. Amongst those that are most bitter against the King, His own Servants (especially the *Judasses* of the Committee of the Revenue, that carry His purse, and have fingered more of His Money and Goods than they can or dare give an account for) are the greatest Zealots, those that take upon them imployments about His Revenue, and share what allowances to themselves they please

for

for their pains; those that buy in for trifles old sleeping Pensions, that have not been payed nor allowed this thirty year, and pay themselves all arrears; those that Rent parcels of the Kings Revenue, for the eighth or tenth part of the worth, as *Cor: Holland*, who renteth for 200l. *per ann.* as much of his Estate as is worth 1600l. or 1800l. *per annum.* Thus you see the *Lion* (Lord of the Forest) growing *sick and weak*, become a prey, and is *goared* by the *Ox*, *bitten* by the *Dog*, yea, and *kicked* by the *Ass*. Look upon this *president* you *Kings* and *Princes*, and call to mind examples of old, that of *Nebuchadnezzer*, and others, *lest by exalting your selves too high, you provoke God to cast you too low.*

11 Forged Consultacions and false News.

When the *Grandee Independents* have a desire to *raise new forces*, or *erect new Garrisons*, or use any *extremity against the City*, or *Royal party*, they commonly usher in their design with reporting to the House *the discovery of some new-invented conspiracy*, or *plot full of danger & destruction*; such as was that of *many thousand consecrated Knives*, and then propound their own foreslid *design* as a counsellable way to prevent it; and he that doth not *hastily believe their Informations*, or doth *argue against their medies they propound*, (though he shew never so great inconveniency in them) is presently cried out upon as *a Malignant, that doth not take the danger of the Parliament to heart*, and branded by the *black tongues of the Godly*; and when any *great business* is to be *treated of in Parliament*, or *City*, which they either *desire to promote*, or to *obstruct*, they commonly publish *counterfeit News*, and *Letters of great victories and successes* gotten by their *Party* in parts so *remote* that they cannot in a short time be confuted; this serves *to credit* and *animate their Party* to go on *boldly with their Worke*, and *to dishearten their Opponents*; and though the profit and reputation of a *lie* is seldom long-lived, yet if it last some few dayes, untill they have *carried on their present business*, they care not: herein they imitate a *skilfull Architector*, who building an *Arch*, supports it in the beginning with *circular props*, and *pieces of Timber*, untill he hath cloted it, and enabled it to support it self, and then throws away the *props*.

12 The Art of Slander and Calumny.

When they have a design to *ruine any man*, before they fall openly upon his *person*, they *secretly undermine his credit and reputation*, that afterwards *they may oppress him with applause*, and they are so excellently well fitted with *Agents* and *Instruments* for this purpose, that they can prove what they list. The *close Com-*

mittee of Examinations is an excellent forge for these *contrivances*; they know where to find the *sonnes of Belial* (now commonly called *Knights of the Post*) who will trust God with their *souls* to advance *the good Cause*; they have *secret Examinations* of several sorts, some *preparatory* only, amounting but to suspitions and presumptions, to wound a mans good name, and make him liable to more deadly blows hereafter; and some *consummatory*, laying the Axe to the root at the first blow: nor is it a small Artifice of theirs boldly to accuse other men of those *crimes* they themselves are *guilty of*, as they did the 11 *Members* of *trucking with the King*, being their own fault; by this means it doth *constare de re* presently, it appears such offences are committed: and if they can but fix them upon the persons of other men by bold *Accusations*, close *Examinations*, and *false Witnesses*, then *constat de persona*, they have found men to personate them, deputies to bear the ignominy and punishment of their sinnes: so some lascivious persons free themselves, bestowing their diseases upon others.

13 What a Confiding man is. They account no man a *Godly, faithfull, confiding man*, but he that engages as far in sin, and makes himself as hopeless of reconciliation, as themselves. *Quis nunc diligitur nisi conscius?*

14 The last Retreat & Refuge of the Godly. Since the *revolt* of some of *their Ships* hath almost made them *hopeless* of *transportation* to *foreign Plantations*, the *schismatical Grandees* have made Col. *Walton* (Brother-in-law to *Cromwel*) Governour of *Lyn*, *Boston*, and *Crowland*, and of all that level of morasse Ground in the Isles of *Ely*, *Holland*, and *Marshland*, which they can lay under water at pleasure: it is a plentifull and strong Fastness, able to feed 40000 men, besides the ordinary Inhabitants; there are but three passes to enter it, over three Bridges, upon which they have, or may build Forts for their defence, and may from thence invade the adjacent Country at pleasure, being themselves free from incursions; or they may (if they list) break down the said Bridges. These places (already strong by nature) they daily fortifie by art; for which purpose great sums of *money* have been sent to him, and much *Arms*, *Powder*, *Ammunition*, and *Ordnance* from *Windsor Castle*: Here (when all other helps fail) the *Godly mean to take Sanctuary*; this shall be their last *retreat*, from whence they will draw the whole Kingdom *to Parly upon Articles of treaty*, & *enforce their peace from them at last*. These are the *stratagems* of the *Godly*: These are our *Saints*, no where *canonized* but in the

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As the Church of *Rome* is never unfurnished with *dormant Articles of Faith* upon all emergent occasions; so the *Grandees* are never unprovided of *dormant Privileges of Parliament* (which they call (by a new canting word) *lex Parliamenti*, in opposition to *lex Terræ*) with these they boulster out their designs: These Privileges were much insisted on in their Impeachments of the Members and Aldermen; and whosoever pleads against them in his own defence, and flies from those Privileges to the known Laws for Sanctuary, is cried out upon for overthrowing the Iurisdiction and Privileges of Parliament, and therefore guilty of Malignancy; thus *John Lylburn* suffers: if he does not plead against them, he laies his head on the block at the mercy of those merciless men. This net caught many a Wood-cock, until the said Aldermen and Sir *John Maynard* broke through it, and spoiled the cock-road.

15 Supposititious Privileges of Parliament: see *The History*. sect 105, 106

The Grandees of the Parliament and Army have so totally subverted our fundamental Government and Laws, that we have neither Monarchy nor Common-wealth left; *non jam Respublica sed magnum latrocinium est*, we have not so much as a face and shadow of Government remaining; we have a KING *de jure*, but so wholy eclipsed and disabled to perform Acts of Government by his close imprisonment, that (for the present) we have no King *de facto*, and every man doth what seemeth good in his own eyes; we have Magistrates, Iudges, and Iustices *de facto*, but not being constituted and ordained by any lawfull Authority, nor under any authentical Great Seal according to the Laws of the Land, they are not Magistrates and Iudges *de Iure*, so that if we look upon the King our Supreme Governour, our violent Grandees have brought an *Inter-regnum* upon us; If upon our Magistrates, Iudges, &c. they have brought a *Justitium* (a totall eclipse of Iustice) upon us: It follows then, that both the imperative and coercive power of the King and Magistrates, the legislative power of the Parliament, the judicative power of the Iudges and Iustices, are all suspended and in *Abeyance*: and like a Watch, when the principal wheels are broken, no part can move to perform its function. *Contzenius* a Iesuite in his *Pol:* saies, *He that will introduce a new Religion, or a new form of Government, must utterly abolish the old, and erect his new Fabrick upon the ruines of it.* You see they have been apt Scholars in this doctrine of the Iesuite this 7 years, which they have spent in Demol shing

16 The confusion this Monarchy is brought unto: see *The History*, sect. 105, & 106.

moliſhing; but what form of Government our Grandees will erect upon the ruines they have made, doth not yet appear, nor how all juſt intereſts, and mens particular Eſtates ſhall be preſerved from being buried under the ruines of this earthquake.

17 The Regal Legiſlative, & Iudicative power uſurped

The King is the only ſupreme Governour of this Realm of *England*, to regulate and protect the people by commanding the Laws to be obſerved and executed; and to this end He (and He alone) beareth not the Sword in vain; yet the KING by himſelf can neither make, repeal, or alter any one Law, without the concurrence of both Houſes of Parliament, the *Legiſlative power* reſiding in all three, and not in any one, or two of the three Eſtates, without the third, and therefore no one or two of them can exclude the other from having a *Negative voice* in paſſing, repealing, or changing of Laws; nor can the King by himſelf, or joyntly with the Lords and Commons judge *what the Law is*, this is the office of the ſworn Iudges of the two Benches and Exchequer, who are the known Expoſitors, and Diſpenſers of *Law and Juſtice* in all cauſes brought before them, yea they do declare *by what Law the King governs*, thereby keeping the KING from governing arbitrarily and enſlaving the People. And theſe Iudges of the Law have always been authorized by the King; and all legall proceedings have been in his Name, and by His Authority 1200 years before *Magna Charta* granted, or any ſet form of Parliament eſtabliſhed. The Law it ſelf is called, *the Kings Law*; the Realm, *the Kings Realm*. He is the fountain of *juſtice*, *mercy*, *honour*, witneſſe all our Statutes, Law-books, and Hiſtories, and the Oath of Supremacy, which every Member taketh before he ſits in Parliament. Now for any one man, or any Aſſembly, Court, or Corporation of men (be it the two Houſes of Parliament) to uſurp theſe three powers, 1. The *Governing power*, 2. The *Legiſlative power*, 3: And the *Iudicative power*, into themſelves, is to make themſelves the higheſt Tyrants, and the people the baſeſt ſlaves in the world; for to govern ſupremely by a Law made, and interpreted by themſelves according to their own pleaſure, what can be more boundleſſe and arbitrary? they may put to death whom they pleaſe for what cauſe they pleaſe, and confiſcate his eſtate to their own uſe; yet this the two Houſes of Parliament, or rather an overpowring party in the two Houſes, ſeaſoned with a Schiſmatical humour of ſingularity, have lately done.

1. For the *Governing power.* 1. They coyn, enhaunce, and abate money. 2. They make War and Peace, and continue an extraordinary Militia of an Army upon us. 3 They declare who are Enemies to the Realm. 4. They maintain forein negotiations. 5. They regulate matter of Trade, and exercise other Regalities: whereas all *Iura Regalia* belong only to the King as Supreme Governour.

2. For the *Legislative power.* They exclude the King from His Negative Voice, and the two Houses obtrude their Ordinances (things so new, that they are not pleadable in any Court of Iustice) as Laws upon the people; laying an excise, Assessements, and Taxes upon the People: They Vote and declare new Treasons, not known by the statute 25 *Edw.* 3. nor by any other known Law; yea even to make or receive any addresse to, or from the King; and they account it a breach of Privilege, if men do not believe it to be Treason, being once declared. They out men of their free-holds, and imprison their Persons, contrary to *Magna Charta*, by Ordinances of Sequestration, &c:

3. For the *Iudicative power.* They erect infinite many of new Iudicatories under them, as their Committees of complaints, of secret Examinations, of Indempnities; their Country Committtes, where businesses are examined, heard, and determined without, nay against *Magna Charta*, and the known Laws: nay even in capital crimes they wave the Courts of Law, and all Legal proceedings by Outlawry, Indictment, or Tryal by *Peers*, and *Bill of Attainder*; (which is the only way of Tryal in Parliament: For the Parliament cannot judicially determine any thing, but by Act of Parliament) and set up new-invented forms of proceedings before the Lords (even against free Commoners, although the Lords be not their Peers) as in the case of the four Aldermen, &c. and the *Arch-bishop* of *Canterbury*: they defend these doings by a pretended necessity of their own making: but when the King had neither Army nor Garrison in the Kingdom, and thereby this necessity was removed, why did they not (to prevent Tumults, Insurrections, and a new war) content the People, and return all things into their old Chanel, and restore to the people their Religion, Laws, and Liberties, being their first principles, for which they engaged them to spend their blood and treasure, and for defence whereof, they engaged themselves and us in a Covenant, with Hands lifted up to the High God? Why

did they then provoke the Scots to a new War? but that they might have occasion to keep up their Army still, and inthrall the Kingdom: look upon their Doctrine, as well as their aforesaid practices, and you will find that all they do, is but to carry on a fore-laid design, to lay by the King and enslave the People, under the new erected Kingdom of the Saints: the Grandees of *Derby-house* and the Army. In the Declaration against the *Scots* Papers, *p.* 67. They have adjudged the King unfit to Govern, and *p.* 70 they say, the power of the Militia was the principal cause of their war, and quarrel with the King; and in their Declaration against the King, they say, they cannot confide in Him. It hath been commonly spoken in the House of Commons, that the two Houses, nay the House of Commons alone, is the Supreme power of this Nation under God. 16 *March*, 1642. Both Houses Voted it a High Breach of Privilege of Parliament, for any Person, (not excepting King or Iudge) to oppose their Commands, or to deny that to be Law, which the two Houses declared to be so. In their Declaration against the *Scots* Papers, p. 63: The Members say, That in all matters either concerning Church or State, we have no Judge upon Earth but themselves. Who will account the *Popes* plenitude of power monstrous hereafter, that shall observe this Doctrine and practice of Subjects in Parliaments, claiming and exercising a Supreme Government, (whereof the Militia is a part) a Legislative and Iudicative power over the Consciences, Lives, Liberties, and estates of their Fellow Subjects; And all this under colour of a necessity, raised by themselves out of a dispute they set on foot against the King, which they have affirmatively adjudged and determined for themselves against Him, without consulting the Laws, Statutes, and usages of the Realm; Nay the very Oaths of Supremacy and Allegiance, which all with one voice speak against them? Who would think that a faction in Parliament, or any pest lesse than an Earth-quake or Deluge should in seven years time reduce so well-formed a Common-wealth into such a *Chaos*? Yet even now the People are promis'd to be governed by the known Laws, and Iudges are appointed to determine sutes according to the Laws. Surely There never was Tyrant that deprived his Vassals of a known Law amongst themselves, this were to disable them to acquire wealth, and so lose his own benefit of Taxes and Confiscations. By the Laws of *England*, a villain was protected in his goods against

all

all men, his Lord excepted: The *Turkish* Vassals heap up much wealth, and are protected against their fellow slaves, though not against their Grand Seigneor who may seize their estates, and take their lives at pleasure: And this is all the protection the people of *England* have now by the Laws. We have the benefit of Law one against another, (unless some Powerfull Member interpose) but against the two Houses, or either of them, or any Grandee, what Law, what Justice, can protect our lives, liberties or estates? and yet we were allowed heretofore to make our defence in Law against the King. And until the King be again restored to his Right, expect no better Right to be done you by this heedless head-strong Faction in Parliament.

18 The final scope of the Grandees endeavours.

The summe of all their endeavours is no more but this; The Grandees of *Derby-house* and the Army have already by their Votes of *No Addresses*, and their scandalous Declaration, *laid by the King, and in Him Monarchy*, (notwithstanding they delay and fool the people with tedious debates of a Personall Treaty) And *when this innovation is digested* by the people, their next step will be to make use of the Schismatical, Antimonarchical party in the House of Commons, Army and City, *to cast off the House of Peers*, as Prerogative creatures and rags of Royalty: (some Schismatical Plebeian Lords excepted, who shall recruit the Power they lose in the House of Lords, by being of the Committee of *Derby-house*) and when the people are well inured to this change, and the grievance of it worn out by Custom, then *to lay by the House of Commons, and usurp the full Power of the King and Parliament into the* Committee of safety at *Derby-house*, who by way of preparation, doe already stile themselves in all forein Negotiations, The STATES: Nay they doe already act all matters of moment at home, and assume unto themselves all the properties of a State, the Parliament being but a Sub-Committee to them, upon whom they put what Impositions and Injunctions they please; witnesse the design put upon the House of Commons *for every Member to subscribe what number of Horse he would maintain for a Guard*; I know not whether to the Parliament, or to the Commitee of *Derby-house*.

19 The Prognostick of this Disease.

This disease being now come to its *Crisis*, it is no hard matter to prognosticat, That nature (that is, the King, our natural liege Lord) must inevitably prevail at last against this Antimonarchical Faction, for these reasons.

1. The

1. The King can never want a Party: the Parliament (or rather Antimonarchical faction in Parliament) can never manage a party without faction and confusion.

2. The King may husband his treasure to His best advantage: the faction in Parliament cannot, but must necessarily be cheated; that they may be followed and befriended: since only common crimes, and common profit glues and cements them together; and only such are found to be confiding men to them.

3. The King is now discovered (to every common capacity) to have all the known Laws on His side: the Parliament all known Laws against them, and the people will no longer be governed without Law, by new Arbitrary inventions.

4. The King hath recovered all the peoples affections: the Parliament hath lost them; a privation which can never be reduced into habit again.

5. The King is allyed both in Consanguinity of Blood, and affinity of Cause with all the Princes of Christendom: the faction in Parliament are *terræ filii, faterculi Gigantum*, Mushromes.

6. The Kings Army will obey Him and His Interest: the Parliaments Army will command them and their Interests; besides, they are men of different Principles and Interests, only held together by profit; and when that fails, they fall in sunder.

Nothing therefore but a free *Personal Treaty* in *London* can prevent a Conquest, whatsoever desperate forlorn people say to the contrary.

The Epilogue.

I Am not Ignorant that there is a natural purging, a natural phlebotomy, belonging to Politique, as well as to Natural bodies; and that some good humors are always evacuated with the bad; yet I cannot but deplore what I have observed, That the honestest & justest men on both sides (such as, if they have done evil, did it because they thought it good; such as were carried aside with specious pretences, and many of them seduced by Pulpit-devils, who transformed themselves into Angels of light) have always fared worse than other

men

men, as if this difference between the King and Parliament were but a syncretismus *or illusion against honest men: nay, I do further foresee, that in the period and closing up of this Tragedy, they will fare worst of all, because they have not taken a liberty to inrich themselves with publique spoils, and fat themselves by eating out the bowels of their mother, but are grown lean and poor by their integrity; wherby being disabled to buy friendship in the dayes of Trouble, they will be put upon it to pay other mens reckonings. When* Verres *was Prætor of* Sicily, *he had with wonderfull corruptions pillaged that Province; and at the same time the Prætor of* Sardinia *being sentenced for depeculating and Robbing that Province,* Timarchides, Verres *Correspondent at* Rome, *writ a very anxious Letter to him, giving him warning of it: But* Verres *in a jolly humour answered him,* That the Prætor of *Sardinia* was a fool, and had extorted no more from the *Sardinians* than would serve his own turn; but himself had gathered up such rich booties amongst the *Sicilians*, that the very overplus thereof would dazle the eyes of the Senate, and blind them so, that they should not see his faults: *Such (I foresee) will be the lot of the more just and modest men, who shall be guilty because they were fools, as the other sort shall be innocent because they were knaves. Whatsoever befalls (you clear and innoxious soules) be not ashamed, be not afraid of your integrity: if this Kingdom be a fit habitation for honest men, God will provide you a habitation here; if it be not capable of honesty, God will take you away from the evils to come, and pour out all the Vials of his wrath on this totally and universally corrupted Nation, this incurable people,* Qui nec vitia sua nec eorum remedia ferre potest: *for my own part, (if I am not such already) I hope God will make me such a man,* Quem neque pauperies, neque mors, neque vincula terrent; *and if* Moses *in a heroick zeal, to draw a remission of the peoples sins from God, desired to be blotted out of his Book, (the Book of Life) and St.* Paul *to be* Anathema *for his Brethren; why should not I (with relation to my self, and submission to Christ) say,* oportet unum mori pro populo, *it is fit one man die for the people, and devote my self to death for my Country, as the family of the* Decii *in antient* Rome *were wont to do? I have read and admired their examples, why not imitate them? is it because (as* Machiavel *saith) The Christian Religion doth too much break, enfeeble, and cowardise the spirit of man, by persecuting and subduing nature, by denying her due Liberty, and tying her to be more passive than active?* At facere & pati fortia Romanum

imo Christianum est; *or is it because in this generall deluge of sinne and corruption, a publique spirit, and excellency in virtue is accounted a degree of madness? or is it because of the corrupt judgement of these times, which makes a man more infamous for his punishment than for his sin? and therefore Heroick acts are out of fashion: the circumstances and ceremonies of Death are more taken notice of than Death it self; these follies weigh not with me.* Sublimis an humi putrescam, parvi refert. *The Thief upon the Crosse found a ready way to Heaven, How much more an honest man? Many a man out of Prison steps into Heaven, no man out of Paradise ever found the way thither*: Salebrosa sit via, modo certa, modo expedita; alte succinctus ad iter me accingo.

THe Premises considered, I do here in the name and behalf of all the free Commons of *England* declare and protest, that there is no free nor legal *Parliament* sitting in *England*, but that the two Houses sit under a visible, actual and a horrid force of a mutinous *Army*, and of a small party of both Houses conspiring and engaged with the *Army*, to destroy, expell, and murder with false Accusations, and Blank and Illegal Impeachments and prosecutions, the rest of their fellow Members, who sate in *Parliament* doing their duty, when the two Speakers with a small company of Members, secretly fled away to the *Army*, and sate in Council with them, contriving how to enslave *King*, *Parliament*, *City*, and *Kingdom*, and how to raise Taxes at their pleasure, which they share amongst themselves and their party, under the name and title of *the Godly*, *the Saints*; and afterwards they brought the *Army* up to *London* against the *Parliament* and *City* in hostile manner, a design far exceeding the Plot of *Jermine*, *Goring*, *&c.* to bring up the *Northern Army to* London, *to over-awe the Parliament*: I do farther protest, that the two Houses have sate under the said force, ever since the sixth of *August* 1647: and therefore they all have done, and all they shall do, in the condition they sit in, is void and null in Law, *ab initio*, by their own doctrine and judgement included in their Ordinance of the 20 of *August* last, whereby they *null* and void, *ab initio*, all Votes, Orders, &c. passed from the 26 *July*, 1647. to the 6 *August* following.

Arguments against all accommodation and Treaties, between the City of LONDON, *and the ingaged Grandees of the Parliament and Army.*

1. *IT will never be safe nor honourable, for so great a City to accommodate and joyn interest with a conspiring Party, that by frequent violations of their faith and duty, have inslaved King, Parliament, City and Kingdom, and broken the Faith of this Nation, given to the Scots in the large Treaties, and in the National Covenant.*

2. *By accommodating with them, you make all their crimes your own, their subtilty being to involve you to joyn with them in defence of their crimes.*

3. *The Scotish quarrel is not against the English Nation, but against the treacherous and hypocritical Grandees, who by perjuring themselves, and falsifying their ingagements both unto Kingdom and Army, keeping the Souldiers by false suggestions from disbanding, and totally obstructing* Irelands *relief; and also a conspiring party in Parliament, who keep them up to make good the aforesaid crimes, forcing what Votes they please to passe, by over-awing the Parliament: Witnesse* Cromwells *laying his hand upon his Sword, and forcing the House to passe those traiterous Votes against the King, contrary to their own Consciences, Allegiance, Protestations, Vow and Covenant, and to raise Taxes upon the people, which they share among themselves. This war is not likely to be of any continuance, considering there being in the Army many conscientious men, who have had such ample experiment of the falshood of their Grand Officers, that they are not like to hazard their lives again under the command of such Grand Impostors as they are, also knowing the General hatred of the Kingdom to them, under whose insupportable burthens and oppressions it groaneth. Nor have we any way to break the power of the said Grandees of this Army but by the Scots, whereby the just rights and Interests of all the three Kingdoms may be setled, and* Ireland *relieved; All which the Scots have declared in their former Papers delivered to both Houses of Parliament.*

4. *If you accommodate with this faction, you must have the same friends and foes with them, as well as the same sins and quarels; and then it will grow to a National quarrel between* England *and* Scotland, *which will be of long continuance and misery: and the Interest of the King and his Children, and of all Princes of Christendom con-*

cerned in the example, will be carried on in the Kingdom of Scotland against you, if you joyn with those beggerly Grandees, who have inriched themselves, and their fellow-Impostors, by the ruines of the Kingdom. You will lose your credit and interests with your friends and brethren of Scotland; the only fear and terror of whose coming into England kept this Faction (which all men know is never satisfied with money and blood) from taking many of your innocent heads from off your shoulders, and confiscating your Estates to pay the arrears of the Army: witnesse their often speeches to this purpose in the house of Commons, and their illegal and violent proceeding against you: you will likewise lose all the people of England.

I have shewed you your losses, let me shew you your gains by this accommodation; that by comparing one with the other, you may cast up your account whether you shall be gainers or losers by it.

1. They offer you the Tower of London, and your Militia to be restored (things of no great consideration) and your Aldermen and Citizens to be set at liberty: they do not offer to disband their Army, which make them Lord it over you, and over-power both Tower and Militia; and when they have divided you from all your friends, and destroyed your reputation, and are secure from the Scots, the same violence which at first took your Tower, your Militia and your most honest Citizens from you, can deprive you of them all again at pleasure, when you shall have none to stick by you: your obligation to them shall be of steel, theirs to you but of straw, he that gives me that he can deprive me of at pleasure, gives me nothing.

2: Cromwell and his party knew your City to be the entire strength of England. In Rich. 2. days (when it was not half so great and populous as now) it slew Wat Tyler and routed his rabble, six times as many in number as the Army. They therefore fear you, and consequently hate you, and labour nothing more than to divide and weaken you, which is their proper interest: For which purpose (to divide the City in it self) they caused the Parliament to change your Militia into other hands: they cut off Westminster, Southwark, and the Hamlets from your Militia, to weaken it; they have divided you from the Parliament, they have endeavoured to divide the Countrey from you, Vt dividendo singula imperent universis. Wherefore the Army in their Remonstrance 7. December 1647. Insolently demand Reparations from the City to the Countrey adjacent, for above 100000l. losse sustained through the Armies attendance on the Cities defaults; which was a device only to make the Country

quarrell with the City, and to make the Armie Vmpiers.

3. *Consider you shall joyn with them that never keep Faith longer than they may gain by it, whereof you have many examples. Any honest man may be deceived once, but he is a fool that will be deceived twice by one man.*

Nay you cannot treat with these men, nor give them a Common Council, or Hall, without losse and danger: they have always made lies their refuge, and built their Designs upon the sandy foundations of Rumors and Fables.

Cromwell *and* Glover *already give out, that they and you are as good as agreed, that you differ only upon a puntilio of honour, which will soon be reconciled: what is the meaning of this? but that they (having creatures of their own, Commissioners in* Scotland*) have advertisement to spread the same reports there, thereby to take off the edge of your friends affections; to lay an imputation of inconstancy upon you, and make you inconsiderable in the judgements of your best friends, and retard all indeavours for your succour. In the mean time, this party hath blocked up all passages to* Scotland, *that truth can have no accesse to you, and you have only such news as* Derby-house *doth please to impart to you. These men have committed those crimes that cannot be safe without committing greater: they must on headlong: go not with them for company; they desire to bestow their plague-sores upon others. Let it not trouble you, that the Parliament hath approved their subscription of the Ingagement with the Army; it was a Vote extorted in a thin house, many Members having been driven away by threats of the Army before, and there were many dissenting Members. A little patience and constancy wil settle you in a lasting peace.*

To petition the Houses to repeal their four Votes against the King, is to save their reputation, that seek to destroy yours.

A seasonable Caution to the City of London.

Gentlemen of the City.

YOur Neighbours of *Kent*, and other Counties wishing well to them, take it unkindly, that (notwithstanding all these former admonitions) you should let down your chains, and give a free march to this bloody, cheating, schismaticall Army at all hours of the night through your City, to cut their throats, and

lend them 60000l. to enable them to march: when they had n other design, but in a peaceable way to deliver a Petition to th Houses, demanding nothing but what the Parliament by thei Declarations, Covenant, the Oaths of Supremacy and allegiance, and the known Laws of the Land ought to grant: Only, being fore warned by the inhumane assassination of the *Surrey* Petitioners, they had some men in Armes a sufficient distance from the Town, to secure their Messengers. They have by their Letters to your selves and the Houses manifested the cleerness of their intentions to you all. They are known to be men of setled habitations and fortunes (for the most part) not vagabonds and Souldiers of Fortune like the Army. Their commerce with you help you both to trade and feed: whereas the Armies insolent march in triumph through your City, so far lessened your reputation ever since, that you constantly lose in your trading 200000l. a Week, and no Bullion comes into the Mint; whereby multitudes of you are undone, and yet the Armies Arrears, and all other Taxes are exacted from you with as much cruelty, as you lost nothing.

Remember that Butchery committed upon the unarmed Apprentices, when *Cromwell* cried to the Souldiers *to kill man, Woman, and child, and fire the City*: at which time his Nose looked as prodigiously upon you as a Comet.

Remember the scorn put upon you by a Grandee when you were enabled to put up your Chains again; That the House had consented your Posts should have Chains as well as your Aldermen, and did as well deserve them. And *Weaver*'s word when your Guards came to attend the House, *that 60 of the Army should beat 300 of them.*

Remember how unwillingly and juglingly they restored unto you the *Tower* (first plundered of all its ammunition you formerly had in it) and part only of your *Militia*, and that clogged with many restrictions: they that bestow gifts so grudgingly upon you when they are weak, will deprive you of them again when they are strong. Adversity makes them your false friends, Prosperity your reall Enemies, Necessity only ties them to you: have a care therefore you do not relieve their necessities, lest you lose them; like the frozen Snake in the bosome, when they grow warm they will bite and sting.

You seem to have forgotten the unjust imprisonment of your Aldermen; The unfaithfulnesse and inconstancy of their Votes,

and Ordinances, even for security of Money, and Land bought; the several Informations and Testimonies you had of their good intentions to borrow more of your Money, not by way of Loan, nor upon the Publique Faith, but by way of plunder. Notwithstanding all these injuries, and many more, (as if God had infatuated you, to destroy you) you suffer a corrupt Faction within you to List men (to the amazement of your neighbour Counties) whose principles you first examine; and if they be not *Independents*, you trust them not with Arms. I hear of a young man, who being asked, *of what principles he was?* he answered, *That in these doubtfull times he professed no principles but gain*: to whom was replied, *then we are of one principle, for we are resolved to keep what we have got.* Behold the Principles of these men that obstruct our peace! consider that Heaven and Earth have denounced war against these men, and that God himself hath touched the hearts of all men as one man to rise against them, and demand to have Peace, Religion, and Justice restored. When the whole Kingdom shall rise in a flame, what will be your lot, but smoak in your eyes, and at at last a consuming fire in your bowels? when you only shall be left to maintain this domineering Army with your money, and to recruit them with your blood? many of their Officers say already, *That the Country is exhausted of Money, and you shall be their purse-bearers*: but because you are a curst Cow, they must keep the *Army* about you, that the Souldiers may hold you by the *horns* whilst their friends milk you.

Consider how absolute a necessity, and how general a resolution there is, that all things should return to their old chanel: If you stop the violence of this Torrent, it will swell untill it overwhelm and drown you. You that are guiltless, joyn not with the guilty; you that are guilty sin no more; there will be mercy for you if you repent, and amend in time. The very multitude of offenders will help to excuse you offences; let not despair hurry you from one sin to another until you fall into destruction, as it did *Judas*, whose Despair (by all Divines) is held to be a greater impiety than his Treachery; by the first, he sinned against the God-head of Christ; by the second, against his Manhood only.

The

The Remonstrance and Declaration of the Knights, Esquires, Gentlemen, and Freeholders in *COLCHESTER.*

PEtitions (the birth-right of Subjects) are by Law our addresses to our King, (Gods Vicegerent) *by custom our approaches to the Houses of Parliament,* (*His Majesties great Council,*) *by them we used humbly to present our modest desires, and were wont to receive answers* (*as* Gideons *fleece the dew*) *without noise, yet satisfactory; but that was denyed our first Petition, and before our second could be ready, our brethren of* Surrey *by theirs ecchoed our prayer to both Houses of Parliament, but received their answer,* (as the Jews their Law) *in thunder and lightning, a two-edged sword the tongue; and the report of Muskets the voice, which spake nothing but wounds and death.*

We *therefore thus admonished, resolved thus to present our grievances to the World, and our Petitions to Heaven, for a blessing upon our intended indeavours.*

Our grievances are these:

1. *First, the distraction and threatned ruine of our glorious* Protestant Church, *the neglect & abuse of* Religion, *the destruction of our* Vniversities (*the springs of all Learning, Divine and Humane*) *occasioned by the fierce and ignorant Separatists, set up and maintained as Rulers both in Church and State, by the prevalency and violence of a rebellious and destructive Army, under the command of the L.* Fairfax, *and countenanced by the seeming Authority of a pact, unfree, and over-awed House of Parliament.*

2. *Next, that contrary to the Oath and duty of Allegiance* (*from which no power can, nor yet hath pretended to absolve us*) *our Soveraign Lord the King is by the design of the said Army, drawn from His House at* Hampton Court *to the* Isle of Wight, *and there by the power of* Col. Hammond *and others of the Army, Imprisoned, and detained from His Parliament; by which act the said* Hammond, *and all adhering to him, are according to the Votes passed in both Houses,* 16 March, 1641. Enemies to the peace of the Kingdom.

3. *A third, is the violent and unchristian separation of the* King, His Royal Consort and Children, *at once depriving His Majesty of the two first blessings bestowed on Man.*

4. *The forcing the* Queen *and* Prince *of* Wales, *to seek in a forein Nation, what in their own they could not enjoy,* liberty, safety, *and* support.

5. *The exercise of* Martial Law *while the Courts of Justice are open, and sitting at* Westminster, *the obstructing justice in our Courts of Judicature, & by the privat Committee of Indemnity perverting judgment, and exercising arbitrary power, which is a* subversion *of our antient Laws, and an introducing of a* tyrannical government, *as was resolved by both Houses in the Cases of the E. of* Strafford, *and Archb. of* Canterbury, *and writ in their blood.*

6. *Sixtly, the present mischief and future danger to the whole Kingdom, by reason that the publique affairs of highest concern, are managed and carried on by a few particular men in a private Committee at* Derby-house, *wherein (contrary to the self-denying Ordinance) the prime actors are chief Officers of the Army, and have by our unhappy differences, possest themselves of the most beneficial offices and imployments of the Kingdom; and the other Places of profit and commodity, are by their design conferred on others, Memebrs of the Army and Houses of Parliament, to purchase their compliance and Votes in all matters agitated in the Houses of Parliament: by reason wherof all motions* for His Majesties return to his Parliament (*the first step to our desired Peace*) *have been either totally rejected, or by them politickly delayed, because Peace would determine both their* power *and* profit.

7. *The* Estates of Delinquents, *the* Lands of Bishops, Deans and Chapters, (*designed by several Ordinances for dischage of* publique Debts) *are by the Houses and power of the Army shared and divided amongst themselves, while the* publique debts *be unsatisfied, the common Souldier unpayed, the maimed unrelieved, the Widdows and Children of the slain unprovided for, and all left burdens to the Commonwealth.*

8. *That the Army consisting of mean, ignorant and illiterate men, (only gilt with hypocrisie, divine and civil) under pretence of* tender Consciences (*the better to induce and tolerate all Heresies*) *have expelled and suppresst all* learned Orthodox Divines, & Church Government, *and crying* Liberty, Liberty, *have subjected our Persons and Estates to arbitrary Law and tyranny; and by Rape imbracing the* Legislative power, *cuckolds the* body Politick, *giving Laws to the* whole Kingdom, *and yet by* Petitions *and* Remonstrances

make both Houses father (*as their own*) *the* adulterous issue.

9. *That this Army assuming to themselves the modelling & settlement both of Church and State, at* Windsor *in* April *last, in their Council did consult these* 3 *Questions.*

First, Whether shall we joyn with the Levellers, and new model both Church and State?

Next, Whether with the moderate Party, Treat, and receive the KING with more qualified and limited Power?

Thirdly, Whether Depose the KING, Dis-inherit the PRINCE, Crown the DUKE of YORK, and appoint a Protector?

The first was held to promise most of liberty *and* profit; *but threatned greatest* danger in effecting, *and* difficulty in continuing.

The second was said to be easiest obtained *and* continued, *because nigheſt to the present frame and constitution already setled; but would bring them* little of profit, *and* less of Soveraignty.

The third (*like* Benjamin, *last in birth, but first in the Parents affections*) *was held* not difficult to be acted, *but to be* maintained; *for it would require both the expence of much blood and money, and the Kingdom to re-act* York *and* Lancaster, *under the names of* Wales *and* York.

To this Lieut. Gen. Cromwel *answered*, It was the better, for that would necessitate the continuance of our Army, which secures our persons, will enforce our reasons, make just our demands, and facilitate their grant; For the blood, that will flow from the cheap veins of Common Souldiers, whereof *England* hath plenty, and we will not want; For the money, *London* is our bank, and from their Purses it shall drain to our Coffers.

Commissary Ireton, *L. Gen.* Cromwel's *Son-in-law*, *said*, The work was half done; for we have already Voted *no Addresses to be made to the King*, and Him guilty of crimes enough to Depose Him, and by Imprisoning His Person, have fitted Him for a private life, and by it taught the people that He is subject to the dispose of both Houses of Parliament, whose Ordinances are only powerful by *our Swords*, and therefore our Actions shall be legal by their Vote. Further, the *Prince* (said he) is link'd with his Father in crime, and therefore cannot be severed in punishment, he hath been General in a Western Army, warring

(as

(as his Father) against the Parliament, a crime that as it rendred the Father fit to be Deposed, so doth it the Son unfit to succeed in the Government. And that the descent of the Crown purge not him, (as it did *Hen.* 7.) let us in the Fathers life time Crown the *Duke of York*, now in our power, whose tender years have preserved him innocent, and presents him fitter for protection and our design, and should any blame our severity towards the *King* and *Prince*, others will commend our clemency towards the *Duke of York*.

Vpon the result of this Council, L. Gen. Cromwell *in the House of Commons, tels Mr. Speaker*, That it was time to set on foot our great design, and that such as should not concur in Votes with us, be not continued of us.

The motion being mis-timed, and divers of his party absent, it was only wondred at by Master Knightly, *and died with the words. The Scene now alters from* Westminster *to* Carisbrook-Castle, *and the King that could not be removed by* Votes, *must now by* Poyson, *the Actor Col.* Hammond, *Major* Rolf, *&c. all Members of the Army: yet by cursed* Excise *that insensibly devours the poor, by insupportable* Monthly Taxes *that impoverish the rich, contrary to Law and our Allegiance, contrary to our Protestation and Covenant (inforced upon us) we must traiterously maintain and pay this Army that traiterously contrive and endeavour the deposal and murder of our Soverain Lord the King, the subversion of our Protestant Church, our Fundamental and known Laws.*

We therefore declare to the World, that God blessing us, we will with hazard of our lives and fortunes, disband and dissipate this Army the Suppressors of the pure Protestant Religion, *the Imprisoners, and would be the Murtherers of their Soveraign Lord and King, and grand Oppressors of the Commrn-wealth; then free from Imprisonment our said Soveraign, and him (God-willing) restore to his lawfull* Government, just Rights, and Throne in Parliament; *this done, we shall joyfully and readily deposite our justly assumed Arms, and on our knees beg what his Majesty hath often most graciously offered, and will undoubtedly grant, his most Royal and gracious pardon to all his mis-lead Subjects, willing to return to their Allegiance, and forward to* bring the King back to his own house.

We therefore hereby earnestly desire and request all loyal and well-affected Subjects, as well Members of both Houses of Parliament as

others, to be herein aiding and assisting to us. First, by not recruiting the Forces of the Lord Fairfax. *Next, by withdrawing all aid and assistance from his Army, by with-holding* Excise *and* Monethly taxes *allotted for their pay and support, and to give us with their prayers such assistance as their Allegiance and opportunity shall advise; and we trust that the God that judgeth righteously will crown our loyal action with happy successe, and our success with a glorious peace, which is heartily prayed for, and shall (God willing) be resolutely fought for by us, His Majesties loyal and faithful Subjects in* Colchester.

A List of the Names of the Members of the House of Commons, Observing which are Officers of the Army, contrary to the self-denying Ordinance: Together with such summes of Money, Offices, and Lands, as they have given to themselves for service done and to be done, against the KING and Kingdome. Corrected and augmented.

Note, *Reader*, that such as have this mark [*] comming immediately before their Names, are Recruiters, illegally elected, by colour of the new Seal, the power of the Army, and voices of the Souldiers, and are unduly returned, and serve accordingly.

The first Century.

William Lenthall, Speaker of the House of Commons, worth 2000l. *per an.* beside rewards for courtesies, (not to say Bribes) Master of the Rolls, worth 3000l. *per an.* beside the sale of Offices: Chamberlain of *Chester* in the Earl of *Darbies* place, And until of late *Chancellor* of the Dutchey of *Lancaster*, worth 1230l. *per an.* and one of the Commissioners of the great Seal, worth 1500l. *per an.* and had 6000l. given him at one time by the House.

2. *Bulstrode Whitlock*, Commissioner of the great Seal, worth 1500l. *per an.* and had 2000l. given him out of Mr. *George Munn*'s estate.

3. *Edmund Prideaux*, formerly a Commissioner for the great-Seal,

Seal; worth 1500 l. *per an.* Now by Ordinance practices within the Bar, as one of the Kings Counsel; worth 500 l. *per an.* and is Postmaster for all Inland Letters; worth 100 l. every Tuesday night beside his Supper, and it was thus got: The Lord *Stanhop*, the Postmasters and Carriers of *England* complained in Parliament against Mr. *Witherings* and others, touching the carrying of Letters, whereupon the benefit of forein Letters were given to the Earl of *Warwick*; worth 5000 l. *per an.* and the Inland Letters to Mr. *Prideaux*: *good Parliament Justice.*

4. *Roger Hill*, a Barrester of the Temple, in no practice, nor of a considerable estate, till this Parliament, hath now from the House the Bishop of *Winchesters* Mannor of *Taunton Dean*, being the best of *England*; and worth 1200 l. *per an.* when the estates for lives determine.

5. *Humphrey Salway*, the Kings Remembrancer in Mr. *Fanshaw's* place; worth 200 l. *per annum.*

6. *Francis Rous*, Provost of *Eaton*, in Dr. *Stewards* place; worth 600 l. *per annum*, and hath got a College Lease worth 600 l. *per annum.*

7. *John Lisle*, Barrester of the Temple, Master of St. *Crosses* in Dr. *Lewes* his place, being a place for a Divine; and worth 800 l. *per annum.*

8. *Oliver St. John*, by Ordinance both Attorney and Solicitor to the King; worth what he please to make it; and hath the passing of all Pardons upon Commissions; worth 40000 l.

9. Sir *William Allison*, Alderman of *York*, Clerk of the Hamper, worth 1000 *per an.* he hath *Crabb-Castle*; worth 600 l. *per an.* Sometimes the Bishop of *Yorks* in *York-shire.*

10. *Thomas Hoile*, Alderman of *York*, Treasurers Remembrancer in the Exchequor, in Sir *Peter Osburn's* place; worth 1200 l. *per annum.*

11. *Thomas Pury* Senior, first a Weaver in *Gloceſter*, then an ignorant Countrey Solicitor, had 3000 l. given him, and Mr. *Gerrards* place in the Petty-bag; worth 400 l. *per an.*

12. *Thomas Pury* Junior, Son to the Elder, Receiver of the Kings Rents in *Gloceſter* and *Wilts*, Clerk of the Peace of *Gloceſter-ſhire*, worth 200 l. *per an.* and Captain of Foot and Horse, the first year of this Parliament, servant to Mr. *Townesheud*, an Attorney of *Staple Inne.*

13. *William Ellis*, Steward of *Stepney*, worth 200l. *per an.* and by him sold to one of the Temple.

14. *Miles Corbet*, at the beginning of the Parliament 3000 l. in debt for himself and his Mother, more than he was worth: now one of the Registers in Chancery worth 700 l. *per an.* besides Chair-man for scandalous Ministers, worth 1000 l. *per an.* And hath money in his purse.

15. *John Goodwyne*, the other Register in Chancery: worth 700l. *per annum.*

16. Sir *Thomas Widdrington*, a Commissioner of the great Seal, worth 1500l. *per an.*

17. *Edward Bisshe*, Garter Herauld, in Sir *Edward Walkers* place, worth 600l. *per an.*

18. * *Walter Strickland*, Agent in Holland for the two Houses of Parliament, worth to him 5000l.

19. *Nicholas Love*, Mr. Speakers Chamber-fellow, one of the six Clerks in Chancery, in Mr. *Penruddox* place; worth 2000l. *per annum.*

20. Sir *Gilbert Gerrard*, much in debt before the Parliament, pay-master to the Army, and had 3 d. *per* pound allowed, besides Gratuities, worth 6000l. and now Chancellor of the Dutchey, worth 1200l. *per an.*

21. *Gilbert Gerrard*, his second son, Clerk of the Dutchey, and for whose benefit the Clerk-ship of the Assize in *Norfolk*, is granted to Mr. *Edward Garret* his Cozen by the procurement of Sir *Gilbert*, and is worth 500l. *per an.*

22. *John Selden*, had given him 5000l. of which he received 2500l. pound.

23. * *John Bond*, (Son to *Dennis Bond*, a Parliament man) made Master of Trinity Hall in *Cambridge*, which Mr. *Selden* refused to accept of.

24. Sir *Benjamin Rudiard*, given him 500l. *And hath he not deserved it.*

25. * *Lucas Hodges*, Customer of *Bristol.*

26 Sir *John Hipsley*, hath the keeping of three of the Kings Parks, *Mary-bone*-Park, that was Mr. *Carewes*, *Hampton*-Park, and *Bushy*-Park, and given him 2000l. in Money.

27. Sir *Thomas Walsingham*, the Honour of *Eltham*, that was the Earl of *Dorsets*, the middle Park and house, which was Master

Whites

Whites, and hath cut down 4000 Timber Trees.

28. *Benjamine Valentine*, given him 5000 l.

29.* Sir *Henry Heyman*, given him 5000 l.

30. *Denzell Hollis*, given him 5000 l.

31 * *Nath. Bacon*, given him 3000 l.

32.* *John Steevens*, given him out of the Lord *Astley*'s Composition 1000 l.

33.* *Henry Smith*, made one of the six Clerks; worth 2000 l. *per annum.*

34. *Robert Renolds*, had 2000 l. given him; Besides *Abingdon-Hall*, and the Lands, worth 400 l. *per annum.* Hath bought a good penny-worth of Bishops Lands, hath 20000 l. beyond Sea, as he made appear upon his Marriage.

35. Sir *John Clotworthy*, Treasurer for *Ireland*, and by the Army charged with defrauding of the State of 40000 l. which may be one reason the King could never get an Account of the monies raised for the *Irish*, though he desired it.

36. *John Ashe*, given him out of Mr. *John Coventry*'s Composition 4000 l. out of Sir *Edward Mosely*'s 1000 l. out of Mr. *Edw. Philip*'s 1200 l. out of Sir *John Towel*'s estate 8000 l. And (which is worth all this) is the great Chairman at Goldsmiths Hall. *Is not this better than cloathing.*

37.* *John Lenthall*, son to the Speaker, made one of the six Clerks, worth 2000 l. *per annum.*

38. * *Francis Allen*, a poor Goldsmith at St. *Dunstans* in *Fleet-street*, now made a Customer for *London*. In honour of whom clipped moneys are called (*Allens.*)

39. *Giles Green*, the Receiver of *York-shire*, being put out of his place, got it for his Son-in Law, is Chair-man for the Navy, and for Sir *Thomas Daws* his estate, and what it was worth to him, Sir *Thomas Daws* his Creditors will tell you; for they got nothing.

40. *Francis Pierpoint* hath the Arch-bishop of *York*'s Lands, lying in *Nottingham-shire.*

41. *William Pierpoint* hath 7000 l. given him, and all the Earl of *Kingston*'s personal Estate, worth 40000 l.

42.* *John Palmer*, Mr. of *All-Souls* in *Oxford*, in Doctor *Sheldon*'s place, a Divine.

43.* *John Blackeston*, a poor shop-keeper in *New-Castle*, was Exe-

Executor to the Executor of Sir *John Fenner*, trusted with 6900 l. for Charitable uses, and was sued in Chancery to perform the trust; but got himself returned a Burgess for *Newcastle* by the *Scots* Garrison there; had 3000l. given him out of one Gentlemans Composition, and out of others as much as made it up 12000 l. as was made appear at a Committee before Mr. *Sandis* of the Temple Chair-man; hath also a Cole-meter's place worth 200l. *per annum*, and the Bishop of *Durham's* Castle at *Durham*, and Lands of great value.

44. *Tho. Ceely*, long a Prisoner for debt, helped out by the Parliament, and made Recorder of *Bridgewater*.

45. * *Thomas Moor*, an Officer in the Custom-house, and his brother Governor of *Ludlow*.

46. * *Scawine*, given him 2000 l.

47. *Isaac Pennington*, twice broke; once Lieutenant of the Tower; a year and a half Lord Mayor of *London* before his time; had 7000l. given him, and hath store of Bishops Lands.

48. *Samuel Vassel* given him 1000 l.

49. *Oliver Cromwel* Leiut. Gen. hath 2500 l. *per an.* given him out of the Marquess of *Worcesters* Estate, for which 4000 l. *per an.* is set out at the rate of 2500 l.

50. Sir *Wil. Brereton*, Col. Gen. for the *Cheshire* Forces, hath *Cashobery*, and other Lands of the L. *Capels* worth 2000l. *per an.* and the Archbishops house and Lands at *Croiden*, where he hath turned the Chappel into a Kitchin. *A goodly Reformation, and fits with his stomack as well as his Religion.*

51. * *Thomas Waite*, Collonel, Governour of *Burley*, where he thrives so well, as he is now buying 500 l. *per an.* who before was not able to buy 5 l a year.

52. Sir *Oliver Luke*, decayed in his Estate, Collonel of Horse

53 Sir *Samuel Luke* his Son, Collonel, and Scout-master for the Counties of *Bedford*, &c.

54. * *Thomas Gell*, Leiut. Col. to Sir *John Gell*, made Recorder of *Derby*, in Mr. *Illistrie's* place.

55. *Valantine Walton*, Collonel, and Governour of *Lin Regis*.

56. * *Richard Norton*, Collonel, Governour of *Southampton*.

57. * *Edward Harvy*, late a poor Silk-man, now Col. and hath got the Bishop of *London's* House and Mannor of *Fulham*.

58. *Edward Rossiter*, Collonel, and Generall of all the

Lin-

Lincolnshire Forces, and Governour of *Belvoy* Castle.

59.* Sir *Michael Livesay*, Col. Sequestrator, and Plunder-master General of *Kent*.

60 *Henry Ireton* (son in Law to Lieutenant General *Cromwell*) Colonel, and Commissary General.

61.* *Richard Salway*, Col. formerly a Grocer's man.

62.* *John Birch*, formerly a Carrier, now a Colonel.

63.* *Thomas Rainsborough*, a Skipper of *Lin*, Col. Governour of *Woodstock*, and Vice-Admiral of *England*.

64* *Robert Black*, Col. Governour of *Taunton*.

65.* *Francis Russel*, Colonel.

66.* *Rowland Wilson*, Colonel.

67.* *Robert Harley*, Col. son to Sir *Robert Harley*.

68.* *Richard Brown*, Major General, and Governour of *Abingdon*.

69.* *Peter Temple*, Captain of a Troop of Horse.

70.* *John Ven*, Colonel, Governour of *Windsor*, had 4000l. given him.

71.* *Algernon Sidney*, Governour of *Dover-Castle*.

72.* *Richard Ingolsby*, Colonel, Governour of *Oxford*.

73.* *John Hutchinson*, Colonel, Governour of *Nottingham*.

74.* Sir *John Palgrave*, Col. at the siege of *Newark*.

75.* *Edward Ludlow*, Governour of

76.* *Cornelius Holland* renteth as much of the Kings Grounds for 200l. *per an.* as is worth 1600l. or 1800l. *per an.*

77.* *Philip Skippon*, Sergeant-Major-General of the Army, Major-Gen. of *London*, and Governour of *Bristol*, had 1000l. *per an.* lands of inheritance given him.

78.* *Charls Fleetwood*, Colonel.

79.* *Thomas Westrow*, Capt. under Sir *Michael Livesey*, was nothing worth, until a Captain and a Parliament man; and now hath gotten the Bishop of *Worcesters* Manor of *Hartlerow*, which proves he hath two good and beneficial offices.

80. *Henry Martyn*, Col. of a Regiment of Horse, and a Regiment of Whores.

81. *Nathaniel Fiennes*, Col. once Governour of *Bristol*. *Thereby hangs a Tail.*

82. *Anthony Stapley*, Col. Governour of *Chichester*.

83. *Alexander Rigby*, Col. and Governour of *Bolton*.

84. *Charls Pym*, Captain of a Troop of Horse.

85. Sir *Arthur Haslerig*, Colonel, Governour of *New-Castle*, and hath the Bishop of *Durham*'s house, Park, and Manor of *Auckland*, and 6500l. in money given him.

86. *William Iepson*, Colonel.

87. Sir *Thomas Middleton*, Major-General for *Denbigh*, and five other Counties.

88. *Godfrey Boswell*, Colonel.

89. The Lord *Gray* of Grooby, (son to the E. of *Stanford*) Col. and hath given to him the Queens Manor house, Park, and Lands at *Holdenby*, and ther's a great fall of the Woods.

90. Sir *Will. Constable*, Col. Governour of *Gloceſter*, he sold his lands to Sir *Marmaduke Langdale*, for 25000l. and is restored to it again by Parliament.

91. Sir *Will. Purefoy*, Col. and Governour of *Coventry*, fought resolutely against the Crosse in the Market place at *Warwick*, and against the Antient Monuments in the Earls Chapel in St. *Maries* Church there; for which he had 1500l. given him, but when he should have fought with the Enemy, hid himself in a Barley-field, for which a Water-man at Temple stairs (that had been his Souldier) refused to carry him.

92. Sir *Edward Hungerford*, Col. famous for plundering *Warder Castle*, hath the Lands of the Countesse *Dowager* of *Rutland*, worth 1500l. *per an.* and she allowed but 500l.

93. *Harbert Morley*, Col. Plunder-master of *Surrey*.

94. *John Moor*, Col. of the Guards, and for some time had the benefit of Passes out of *London*.

95. *Walter Long*, Col. had 5000l. and the Office of Register for 4 years.

96. Sir *Will. Waller*, General, and lost two Armies, yet a gainer by the employment.

97. *John Allured*, Col.

98. *Michael Oldsworth*, no Col. but Governour of *Pembroke*, and *Mountgomery*, and hath a share with his Lord out of Sir *Henry Comptons* Office, worth 3000l. *per an.* and is Keeper of *Windsor Park*.

99. *Tho Scot*, a Brewers Clerk formerly, hath the Bishops house at *Lambeth*.

100. Master *Ashhurst*, when he went Commissioner into *Scotland*

land, had the Clerk of the Peaces place for *Lancashire*, and 1000 l. in money given him.

Besides these Offices, Commands, and Gratuities, every Member of the House of Commons, being in all 516. are by their own Order allowed 4l. *per* Week a man; which amounts to 110000 l. *per annum*.

By the Ordinance for sequestring Delinquents (1 *April*, 1643.) it was declared, *That their Estates should go for maintenance of the Publick Affairs*, and several Ordinances designed *Bishops Lands for pay of* 200000 l. *Publick debt*: Yet by this, and the following Centuries, thou shalt see how both Delinquents Estates and Bishops Lands are by Members of Parliament shared amongst themselves, whilst the 200000l. is unpaid, the publick affairs supported by unsupportable Taxes, and that *Dutch Devil Excise*, that insensibly devours the poor, and will impoverish the rich.

These are they that with *Hananiah*, *break the wooden yoke from our necks*, (28 Jeremiah) and put on one of Iron; free us from a little *Ship-money* paid thrice in an Age, and impose as much at once for a *Monthly Tax*; quit us of the *Monopolies of Tobacco*, and set up *Excise on Bread and Beer*: The first easeth the wanton rich man, and the latter grindeth the needy and poor. Yet *these are thy Gods ô London!* these are the Idol Calves the People have set up and do worship: these be the *Molec* to whom ye sacrifice Sons and Servants by Troops, Regiments, and Armies, to maintain their *sovereignty*, *rebellion*, and *profit*.

And that these and other their Actions may never be questioned, they *His Majesties loyal and obedient Subjects*, will always *Imprison their King*, *continue their Army*, *perpetuate their Parliament*, *and intail their Membership* (as the Priesthood on *Levi*) *upon confiding Families*, *to furnish them with Votes*, as Mr. *Gilbert Gerrard* and his 2. Sons, *Brampton Guidon* and his 2. Sons, Sir *Robert Harley* and his 2. Sons, 3 *Fines*, 2 *Ashes*, 4 *Stephens*, 4 *Pelhams*, 4 *Herberts*, 4 *Temples*; it were endless to name the Father and the Son, Brother and Brother that fils the House; they come in couples more than unclean Beasts to the Ark: 2 *Vanes*, 2 *Puries*, 2 *Chaloners*, 2 *Bacons*, 2 *Pierpoints*, 2 *Bonds*, 2 *Onslowes*, 2 *Lenthals*, &c. And that our *Ecclesiasticks* may comply with our *Temporal Governors*, the Houses abolish (as superstitious because Legal) the *Convocat.*-

on of learned Divines, (regularly summoned by the *King's Writ*, and duly *elected by the Clergy*) and the House of Commons *nominates an assembly of gifted Divines* (indeed wicked *Simons*) that slander the Godly *Onias*, (2. *Mac.* 4.) to out him of *his Priests place*; so that at this day there is not one *Assembly-man* but is illegally thrust into anothers *Benefice*, a *Catalogue* of whose names and Preferments expect shortly, and with them a view of the *Militia* and *Common-Council-men* of *London*, observing what Places, Offices and salaries they have from the Houses of Parliament, and then thou wilt know the reasons of their Votes and Actions in the City.

You see in part what the Grandees have done for themselves. Consider after 8 years sitting what they have done for the people, when amongst all their Propositions to the King *for Peace*, hardly any one respects the *good of the People*, but their own *grandeur and profit*. They demand a *Militia* to keep up this Army upon us, which is not the Kings to give. No King of *England* ever governed by a standing Army. They demand likewise power to *raise what Forces for Land and Sea, consisting of what Persons they please to presse; and to raise what money to maintain them out of all mens Estates*, to be laid on at their discretion, and as partially as they please, so that they may favour one Faction, and oppresse the other at pleasure; for, so much the Act for the *Militia* as it is penned imports: and this is more than his Majesty hath power to grant. The late *Militia* of Trained Bands, and the *Posse Comitatus* under *Sheriffs* (being the only legal *Militia* of *England*) will not serve their turnes. It hath always been the Policy of *England*, to trust the *Militia* and *Sword* in one hand (*viz. the* KINGS) and the Purse that should *pay them* in another (*viz. the* PARLIAMENTS) whereby *one power* might bound and limit the *other*. For to put the Sword and the Purse into one hand, is to make that hand absolute Master of our Persons and Estates, and so reduce us to absolute slavery under the Arbitrary power of one man, without appeal or redresse. *Awake and look about you good People.*

THE END.

AN

APPENDIX

TO

The History of Independency,

BEING

A brief description of some few of ARGYLE'S proceedings, before and since he joyned in Confederacy with the *Independent Junto* in ENGLAND:

With a Parallel betwixt him and Cromwell,

AND

A Caveat to all his seduced Adherents.

CICERO.

Totius injustitiæ nulla capitalior est quam eorum, qui cum maximè fallunt, id tamen agunt, ut viri boni esse videantur.

LONDON,
Printed in the Year, 1648.

AN APPENDIX
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The History of Independency.

BEING
A brief description of some few of *Argyle*'s proceedings, before and since he joyned in confederacy with the *Independent Junto* in *ENGLAND*:

With a Parallel betwixt him and Cromwell;

AND
A Caveat to all his seduced Adherents:

THE *Covenant* being at the first taking, held to be the true Touchstone whereby the Religious Royal Subjects were discerned from all those who were unwilling to submit to the yoke of Christ in matters of Religion, or to the just and lawfull Government of our dread Soveraign his Vicegerent; now a subtil generation of men (or rather Vipers) in both Kingdomes, who did take the Covenant, and did magnifie it so long as it could serve them for a Ladder to mount to their intended Greatness, being now at the top, have kick'd away the Ladder, and standing (as it were) on the pinacle, look with disdain on all their old friends, who out of the integrity of their hearts, did for the good of Religion, and His Majesties honour, joyn in that solemn engagement, it being far

far from their thoughts that their modest and humble desires for the Reformation of some abuses both in Church and State (all which, His Majesty in the respective Kingdoms did (or was willing to) cure) should have struck so deep as to endeavour the overthrow of all lawfull Governments, Civil and Ecclesiastical; bringing, instead of a promised Reformation in Religion, a cursed Toleration of the most damnable Sects, Errors, and Heresies that ever Hell did send forth; and for the Civil State, instead of a well-setled Monarchy, a most confused tyrannical Anarchy, quite contrary to the words and meaning of the Covenant, and the honest intentions of all true-hearted, Religious and loyall Subjects in the three Kingdoms, who did take that solemn Covenant with a purpose to keep it, and of very many thousands who did never take the Covenant, (yet very good Protestant and loyall Subjects) being more affrighted with the compulsory way of enforcing it on all, than unsatisfied in the matter, being introduced in a legal way, none of these deserving the name of Malignants, or to be so cruelly dealt with either for their persons or Estates as hath been too too common in both Kingdoms; but the Covenant it self doth best decypher who are Incendiaries, Malignants, and evil Instruments, *viz.* those who hinder the reformation of Religion, who divide the King from His People, or one Kingdom from another, or make any Faction or Parties amongst the people, contrary to the League and Covenant. Yet by our new tenets, none must be called Malignants but those that have loyall hearts towards their Soveraign, though otherwise never so Religious, and all of them (with Master *Martin*) would gladly make the *Covenant an old Almanack*, that they might be rid of that tie of *preserving His Majesties Person and Authority, in the preservation and defence of the true Religion and Liberties of the Kingdoms, that the world may bear witnes with their consciences of their loyalties, and that they have no thoughts or intentions to diminish His Majesties just Power and Greatnesse.*

As the *History of Independency* hath discovered the practices of the *Independent Junto*, so this *Appendix* will discover their chief *Confederate* in *Scotland*, namely the Marques of *Argyle*; whose dealing with his Kindred, Friends, and Confederates mentioned in the following discourse, will be a warning to all religious Protestants, how they trust such an Apostate Covenanter, whose ambition

bition and avarice hath ruined the KING, Church and State, or three flourishing Kingdoms. Although it may seem a paradox to many, I dare boldly aver, that *Argile* and his Faction in *Scotland*, have been, and are the chief Malignants, Incendiaries, and evil Instruments, who have been the Ruiners of these three flourishing Kingdoms, and the Authors of the blood shed in all of them, as I hope by this following Discourse will be made appear to every impartial and unprejudicate Reader, who hath, or may have the certain knowledge of every particular when time shall serve. This *Argile's* Father, after the Marriage of his *English* Lady, having turned *Roman* Catholique, and this his only Son by his first Lady being carefully educated by the Earl of *Morton*, by whose means he obtained the possession of his Fathers whole Estate for a small Pension, and by His Majesties special favour (for outquitting his pretended Title of *Justice General of the Kingdom of Scotland*) did obtain an Heritable Justiciary of *Argile*, *Lorn*, *Kintyre*, and many of the Western Isles; which power he did execute with that cruelty, that he disgusted all the Islanders, and Highlands of *Scotland*, who were never so tyrannized over by any of their Kings, till his Fathers death (still fearing his return) he kept himself somewhat moderate for the engaging for the Covenant, or keeping company sometimes with those that were against it; but his Father being dead, finding himself idolized by those who had taken the managing of all affairs into their hands, and that by his power and policy he could prevail with them in any thing, to indear himself the more to that party, he did seem exceeding zealous for the Covenant, and pretending great fears from *Ireland* (which the then Lord Deputy *Strafford* his Greatnesse, and known averseness from the Covenant, did make the more easily to be beleeved) whereas the true cause of his fears was for the loss of *Kintyre* (whereof he cosened his Brother long before his death) *Isla*, and divers considerable Isles which were and ought to be the possessions of the *Mackdonalds*, and his indiscreet provoking of *Strafford*, who in revenge of him did use very hardly all the *Scots* in *Ireland* who would not renounce the National Covenant of *Scotland*: he dis-arming them, did Arm and Train many *Irish*, who (after his Head was off) shed so much bloud in *Ireland*, and upon pretence of divers of the *Mackdonalds* (*Argile's* own Tenants for the time) were accessary to the

Plot, fearing his Judiciary power where he was both Judge and Party, they were inforced to flie to *Ireland* till their peace should be made; to prevent which, he sent their Wives and Children after them, took possession of all their moveables, and placed other Tenants in their Room; but being grieved that *Culkettough* and his Sons, who had goodly Possessions, were not gone with the rest, he caused cite them before the Council, as accessary to an Invasion to be made by *Antrum* and some of their friends; which citation (as legal men and nor guilty in the least) they did obey, and after some dayes stay in *Edinburgh* (taking their walk daily before *Argile*'s door) they did humbly intreat his Secretary to plead for them, that they might have a speedy hearing, since they were weary of their attendance; which the Secretary acquainting the Lord *Argile*, returned them this Answer, That since they had testifyed their obedience by their appearance, they might go home and behave themselves civilly, not medling with their Rebellious friends, (as he was pleased to term them) and be ready upon any new citation, they should be excused for that time: they did humbly thank his Lordship, and hrs Secretary, for this courtesie, and did presently depart from *Edinburgh* towards their home; whereof my Lord (by his Spies upon them) having notice, did immediately convene the Council, and whereas in many dayes before (during their stay in Town) they could not be heard, that day they were first Called, and upon their not Answering, my Lord aggravating their Accusation by their departure, occasioned by his own and his Secretaries contriving, procures a Warrant to make them prisoners till they should be Tried, and to seize upon their Estates; which out of his zeal to the Covenant (God knows) he did carefully perform, and made *Culkettough* and his two Sons Prisoners before they were half way at home; which *Alexander Macdonald* (afterwards Sir *Alexander Macdonald*) being fled to *Ireland* (having no valuable possession to look to at home) did associate himself with the *Irish* in the beginning of their Rebellion; but so soon as the *Scots* Army came over, he did apply himself to them, assuring them that he would do them faithfull service against the *Irish Rebels*, if they would release his old Father and his two Brethren, unjustly detained prisoners, or bring them to Legal Trial, whereof having assurance given him, he brought with him two hundred gallant

men.

men of his friends, and did more execution upon the *Irish* than half of the *Scots* Army, their horse being not able to follow through Bogs, and their Foot not so swift as the *Irish*, and did in one morning bring in six or seven thousand Cowes to the *Scots* Camp (the like booty they did never take at any one time before or since) for which good service, the General did of new ingage for his Father and Brethrens releasment; but when the Committee of Estates had consented, *Argile* did reverse all, and frustrate the Generals promise: which *Alexander Macdonald* perceiving, said no more (but well) I will yet cause my faithful service procure my Fathers inlargement, and did continue without pay, or hope of pay, saving a very spare allowance of quarters, until *Argile* sent over and caused him to be discharged of all quarters, to the grief of all the *Scots* Officers, who did well know what faithfull service he had done, and was able to do them: so that meer necessity did inforce him to make his peace with the *Irish*, by whose help he did come over into *Scotland*, meerly to be revenged on *Argile*, and to relieve his Father, hoping the Estates of *Scotland* would not blame him for suing the performance of what their General had promised to him, intending no more till *Montrosse* out of his desire to be revenged on *Argile* did enforce *Alexander Macdonald* to joyn his Majesties Interest, as *Montrosse* pretended with the said *Macdonald*, hoping he would find (as indeed he did) a great many discontented persons to joyn with them, all which, or the most considerable, were parties and persons wronged, oppressed, and ruined by *Argile*, as chiefly (besides the forementioned Islanders and these *Highlands* that were under his lash) the *Atholl* men twice or thrice plundered by him; *Montrosse* himself provoked by many well-known injuries, which no Noble heart could endure, as the death of Mr. *James Steward* who was no Traitor either to King or Country save only to *Argile*. The Earl of *Airly* having his estate plundered, and his House thrown down in revenge of an antient quarrel amongst their Predecessors, for the Earl of *Airly* having some Lands in the Bray of *Angus*, out of which *Argil*'s men did many times drive Heards of Cattle, Sheep, and other Beasts, for which the Lord *Ogilbee* could have no remedy, the Thieves being protected by the Earl of *Argile*, by advice of his Lawyers he did Charge the Earl of *Argile*, that he should find surety not to

maintain or protect such Out-lawes; but before he could obtain the same, he was obliged (according to the custome of *Scotland*) to give his Oath, he did fear bodily harm from *Argile*, which he was unwilling to doe; alleging, it were only a Beastly harm that he did fear, for if he would not protect those that did steal his poor mens Beasts, he was nothing afraid of his body. This tart Answer, after an age must (under colour of service to the State) be so revenged.

The *Gourdons*, divers of whom he betrayed under trust, and under pretence of securing his Neces Portions that he was ingaged for, possessing himself of *Badinoch* and *Lochaber*, and plundring friends and foes indifferently in his marches too and fro, and the inexhaustible treasure of the *Scots* Exchequer must allow him eleven or twelve thousand pound stealing for every Voyage; whereas his Breechlesse Souldiery were well content with their Beef and Bannocks, and such convenient plunder as the Country could afford: these (as I conceive) were the most considerable Forces *Montrosse* ever had, unlesse some that were through fear, compelled to yield for the time, so that the bloud shed in *Scotland* by *Montrosse* and *Macdonald* do properly fall upon *Argile*'s score, no other under Heaven having occasioned both their outbreakings, and all their partakers, who did see no other way to be revenged on him (that had made himself Master of all the Estate, having made *Argile* s quarrel their one) than by heaving at all under the specious pretext of the Kings interest: which if God in mercy had not prevented, they had almost effectuate through *Argile*'s misgovernment; wherein it is to be remarked, that when he was overthrown by *Montrosse* in *Lochaber* the second of *February*, 1645. many of his friends being killed, and others taken, he who would not release *Culkettough* for his Sons good service, nor the Generals ingagement, or the Committee of Estates desire (you must not speak of Command) for Master *Iames Hamilton*, a faithfull Minister of the Gospel, who found more kindnesse from *Culkettough* than from this Canibal Covenanter, is now content to release all to get a poor Company of his Countrymen, leaving the Godly Minister in cruell bondage, whom *Culkettough* did release upon his Paroll and promise to send him a Boy that was forgot behind.

This religious Covenanter, out of his pious care for the education

tion of his Sister, in the true Religon, as he pretended, did by His Majesties special favour overthrow the last will and Testament of his Mother-in law, by getting himself made Administrator in the room of him who was nominated therein, whereby he got the Gentlewoman his Sisters whole patrimony into his hands; but before he could prevail in this, his Majesty did take special care that sufficient Surety should be given that the Will of the Dead should be truly performed by payment of their respective portions when they were Married, and sufficient maintenance until they were Married: the Elder whose Portion was Five thousand pound sterling, is presently sent for, and one thousand pound or thereby given to a Gentleman for his second Wife, the rest (there being a clause, *that if any of them should enter into Nunneries, they shou'd have only* 300l. *sterling for all*) being kept so scarce of their due maintenance (the Gentleman who was surety, having advanced of his own above 1000l. whereof he is not as yet repaid) were seduced to go to Monasteries all save one, who is now ready to enter through his neglect; so this 12000l. of his Sisters Portions (with the ruine of their Souls to boot) is a part of *Argile's* well-made purchase.

The great care taken by the Earl of *Morton* for *Argile's* education and preservation both of his life from the crafty designs of a Step-mother, and recovery of his almost ruined Estate, was so well requited, that (notwithstanding he hath the Earl of *Morton's* Daughter in his bed) in open Parliament he spake what became him not both of that noble Lords Person and Estate (only, as he pretended, out of his zeal to the welfare of the Kingdom) whereas the truth is, it was meerly out of his ambition to have that Honourable place conferred upon himself, which was intended by his Majesty upon that noble Lord; but finding His Majesty not inclinable that way, the next affault was, for one of his own name, a man truly well deserving (for to say, better deserving than himself, is no great praise) and if, his two much favouring of him do not stain his reputation, worthy to be beloved.

Thus having shortly viewed *Arvile's* religious carriage towards his Vassals and Tenants, Parents, Friends, and Allyes, Brother and Sisters, Neighbours and fellow Patriots, let us take a short view of his Loyal carriage towards his Soveraign, and his

due obſervation of the Solemn League and Covenant with his covenanted Brethren of *England*, and then let the impartial Reader judge whether he be not ſuch as is affirmed in the Propoſition, the greateſt Incendiary in the three Kingdoms.

It cannot be denied, but His Majeſty (as is mentioned before) did conferr many great and Princely favours upon him at the Earl of *Morton's* deſire, when he was Lord of *Lorn*, ſuch whereof as required confirmation were approved and ratified in Parliament, His Majeſty being preſent, *anno* 1641. with the addition of the honour and title of Marqueſſe, and a full Penſion well paid ever ſince whoever want, together with (not only an *Act of oblivion*, but an approbation of all his tyrannicall proceedings againſt the *Athole* men, the Earl of *Airly*, and others, though not particularly mentioned, yet as done in obedience of Orders from the Committee of Eſtates obtained by his own procurement) therefore to be no further queſtioned.

The firſt endeavour in requital of theſe and many others Royal favours was the entring in conſpiracy with certain his Confederates (whom I forbear to name) to transform the Kingdom of *Scotland* into a Free State like the Eſtates of *Holland*, and becauſe ſome truly noble Lords did abhor ſuch a diſloyall motion (after ſo many Acts of favour witneſſing to all Poſterity his Royal bounty both to Church and State, whereof theſe chief Conſpirators taſted not a little) he did at that time forbear not ſo much to proſecute his deſign, as to conceal their Counſel from all theſe that had thoughts of Loyalty, though moſt faithfull to the true Religion and their Countrey according to the Covenant. The *Iriſh Rebellion* breaking out, fearing his own ſtake, if *Antrim* ſhould grow ſtrong, he procured one Regiment for himſelf, another for his Cozen *Lawers*, a third with the place of *L. General* for that moſt ungrate Gentleman the Earl of *Lothian* (who was married to his Neece and one of his Confidents, who was once heard ſay, *That the 3 Kingdoms would never have peace ſo long as King* CHARLES *his Head was on his ſhoulders*: and yet it is only King CHARLES his favour that hath made him and his Father exceed the eſtate of Gentlemen) with many other places to divers of their friends, intending a full Conqueſt of *Ireland* (at leaſt) to baniſh *Antrim* and the *Mackdonalds* from thence, as he and his Predeceſſors had done many of them

out

out of *Scotland*, taking a gift from the Parliament of *England* of some of the Earl of *Antrims* Lands in *Ireland*, especially the Iland of *Rachera*; to the which, one of the forementioned Regiments was sent, and kept there a long time, so that all the three Kingdomes must be at the charge to maintain Armies and Garrisons for enlarging the Dominions of *Argile*. His next project, having begun his Confederacy in *England*, by shewing them the wayes to get money by Taxes and Excise, 10 and 20 part, bringing in of Plate, voluntary Contributions, borrowing on the Publique Faith, tyrannizing over the Persons and Estates of all that durst be so bold as speak against the Illegal Orders, and all this Money in both Kingdoms to be employed against His Majestie, whom their renewed Covenant did oblige them to defend, having good opportunity to traffique betwixt under the pretence of Commissioners for the Kingdom of *Scotland*, the rest for the most part either his Creatures or Confidents; so that he ruled all the Council at home and abroad, sending *Lothian* to *France* to have them brought in a *Confederacy*, abusing his Majesty by procuring His Commission for Treating concerning the keeping and preservation of that antient League betwixt *France* and *Scotland*, (begun in *Charls the Great's time*, with *Achaius* King of *Scotland*) but the effect of the Treaty was to bring mony to *Argile*, who, at that time when the Kingdom stood in much need of men, sold five thousand to the *French* to be under his Brother, (from whom he had, as formerly the Estate, so now the Title of *Kintyre*; and he must be Earl of *Irwin*, all the Interest he had there being by his *quondam Tutor* (now Slave) *Barcley*, his being sometime Provost thereof) and the Chancellors Brother *Lundie sur France* and *Irwin* had bad pennyworths, although *Argile* made a good market for the Men, like Money trusted in a Iuglers hand, were gone with a puff: thus you see how much both KING and Kingdome were obliged to him in this particular. But to come to the main point of the Conspiracy, finding *Scotland* (although he had all the power of the Persons and Estates in his hand) not pliable as yet to cast off Monarchy, and imbrace Aristocracy, of whom (as affairs stood) none could be the chief Ruler but himself, he did imploy the Zealots of the Clergy to asperse those who did oppose him (especially some most faithfull and religious Noble men) as if they were fallen from their first love, turn ene-

mies

mies to the cauſe of Chriſt, had with *Demas* imbraced this preſent world, and that *Argile* was the only man that ſtood in the gap; threatning out of their Pulpits all ſuch as would think or ſpeak evil of him; but when the State-juglers with their Clergy-Impoſtors, could neither ſhake the Loyalty of the one, who were really for the Covenant and Monarchical Government, nor plaſter over the many fraudulent cheats of the Argathelian party, now become a moſt odious and heavy burthen to the Kingdome, haraſed and ruined from the one end to the other by him and his Armies on the one part, and *Montroſſe* and his Confederates on the other part, (*Argile*, of the two, being the Kingdoms moſt cruel Enemy) was ſimulat humiliation, having the Church-men ſtill his friends, did reconcile himſelf to the other noble and loyall Patriots, by ſuffering them to take ſome ſhare of the Government, that the (by him) diſ-joynted State might by them be ſet in a right frame again, with a reſolution, when all things were right, to uſurp his wonted Authority, and follow his old trade of Dethroning His Majeſty, and cantonizing the Kingdom; but things falling out ſo, that one day at *Nazeby*, quelling the KINGS party in *England*; and one day at *Philipſhaugh*, almoſt quieting *Scotland*; finding the Presbyterians in *England* inclinable to peace, and deſirous of his Majeſties re-eſtabliſhment according to the Covenant, he leaves them, and joyns Counſell with *Say*, *Pierpoint*, *Cromwel*, and others of the Independent Iunto, doing them that Maſterpiece of good ſervice, Firſt, under colour of Loyalty and friendſhip to prevail with His Majeſty to return to the *Scots Army* then at *Newark*, *Cromwell* contributing a Paſſe to *Hudſon* and *Aſhburnham* with a ſlack Guard, that His Majeſty might the more freely eſcape. Secondly, after many learned and loyal Speeches *for Monarchy*, the Kingdom of *Scotlands* intereſt in the perſon of the KING, and many Vows and Proteſtations both in private and publique, not to abandon His Majeſty without His own conſent, contrary to all which, he and his Parcy did overthrow the Loyalty of that once famous Gentleman, Leiuten. General *David Leſlie* (who had deeply ſworn, and ingaged himſelf to His Majeſty, to convoy him ſafely into *Scotland*, or then to ſee His Majeſty peaceably ſetled in His Throne in *England*) forcing him, and he perſwading and prevailing with the Souldiers to march away, leaving His Majeſty behind little better than (but

now

now an assured) Prisoner, and the whole power of the Sword in the hands of the Independents and Sectaries, to the ruine and overthrow of their Presbyterian friends in the City & Parliament, as the *History of Indevendency* doth Witness, encouraging the Independent Party (by their Letters) to proceed in their dethroning Votes, and accusation of his Majesty, assuring them that no party from *Scotland* shall be able to hinder them in their proceedings; but finding the body of the Parliament, and the Kingdom of *Scotland* to be sensible of the ruine of Religion and Monarchical Government if the Sectaries prevaile, and their resolution to adhere to their Covenant, and re-establishing his Majesty, being in fear their party shall not be able any longer to delude the Kingdom, or hinder the Army designed to come in for the vindication of the many breaches of the Solemn League and Covenant, and the several Treaties betwixt the Kingdoms, they have solicited the Armies of Sectaries to come to their assistance, some of their Ministers professing in their Lettets *They have no hope of safety, unless it be by means of this* (rebellious) *Army now in England*, thereby endeavouring to make *Scotland* the seat of War.

And if these troubles in *Wales*, and cutting Petitions from *Essex*, *Kent*, *Surry*, and *Sussex*, had not hindered them, their resolution was to have sent *Cromwel* thither, it being debated before he went to *Wales*, which of the two he should take in hand; but the constant assurance they had from *Argile*, and those accursed Clergy-men that were bribed by *Stephen Marshal*, *That there was no fear of danger from* Scotland *in hast*, made them hasten to finish the enslaving of *England* and *Wales*, and then they resolve to conquer *Scotland*; which they conceive may be quickly done, having *Argile* and his Faction so firm to them, that although he would, neither he nor his Partners dare revolt from them, having received so much of their money, lest they should reveal more than he desires should be known; and as the Independents sent their Emissaries through all Counties and Corporations to get hands to Petitions *for thanks to the House for their dethroning Votes*, so *Argile* and *Marshal*s Hirelings have been very active to get hands to Petitions in many Shires, Corporations, and Provincial Assemblies, for *hindering the engagement against the* rebellious *Army of Sectaries, and the Independent Junto their Confe-*

derates: whereas there is no intention againſt the Parliament, or Body of *England*; but *to comply with all religious honeſt hearted and loyal Subjects, who deſire that His Majeſty may be enlarged and brought to a Perſonal Treatie, whereby Peace & Truth may be ſetled in the three Kingdoms*; their chief pretences being, *that Religion is not ſecured*: the Religion now eſtabliſhed in *Scotland* was by Act of Parliament (His Majeſty preſent) ſo well ſecured as the moſt religious Church-men, and moſt skilfull Lawyers could deviſe; if you have got *New Lights*, and deſire any other Religion to be eſtabliſhed, vindicate His Majeſties Honour, and put up your Petitions to Him in an orderly way, and He may poſſible vindicate you from the Yoke of Slavery which ſome of your tyrannizing Clergy deſire to put upon you; The next is a wonderfull increaſe of your fears by the great *Truſts* put upon ſuch perſons, of whom you have juſt cauſe of jealouſie to this Kingdom, and the Cauſe of God; though you do not ſpeak plain, your Pamphletters do, and your Pulpit Incendiaries to ſome purpoſe; you mean Duke *Hamilton* now General of the Forces, deſigned by the Kingdom and Parliament of *Scotland for vindicating the Honour of the Nation, and revenging His Majeſties Captivity upon that perfidious rebellious Army of Sectaries, and their adherents*: what he did before the ſubſcribing of the Covenant ought not to be objected, (his moderation even then deſerving the honour and love of his Country) and ſince his ſubſcribing, malice it ſelf cannot tax him that he hath done any thing contrary to his Covenant or his Country; what *Montroſſe* doth aſperſe him with, that *he dindred his intended invaſion of* Scotland, and ſo conſequently His Majeſties Service; none of thoſe who ſtand for the Covenant who did think *Montroſſe* an enemy to the Covenant, and to his Country, ought to object this to my Lord Duke, whoſe tender care of the ſafety and welfare of his Country may evidently appear even in the relation of one of his moſt deadly enemies; and whereas his good advice for moderation was miſconſtrued by *Argile* and his prevailing Faction on the one ſide, as if he had done things contrary to the Covenant; and by *Montroſſe* and his Confederates at Court on the other ſide, as if he had connived or been acceſſary to thoſe violent courſes againſt his Majeſty, which (God knows) he was not able at that time to hinder, his intention being *ſtill for Peace*, and ſuch a Peace as might conſiſt with

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the *safety of Religion*, and *His Majesties honour*; whereof he wa very hopefull, being confident of His Majesties propensnes to Peace, and the interest he had in His Majesties favour: but the watchfull malice of his enemies, and the enemies of Peace, did cunningly prevent his going about so good a work, making him Prisoner without His Majesties knowledge, hindring by all means *a meeting betwixt them*, knowing that His Majesties justice, and the Dukes innocency, would quickly make their calumnies to vanish: what a sad imprisonment did he indure, much heightned by the then impossibility of clearing his innocency to his Sovereign (the losse of whose favour would be more bitter than a thousand deaths) and his real intentions for the good of his Country, for whose cause he hazarded and suffered so much misery and imprisonment? Yet this noble Dukes implacable and malicious enemies do further asperse him as a man of no Religion, a meer Politician, and one that seeketh the ruine of his Soveraign, by the aspiring to the Crown of *Scotland*: It would trouble the best Politician, and the most Religious upon earth, in these distracting and distracted times, to distinguish rightly betwixt *the duty we owe to Religion*, & *the duty we owe to our Prince*; supposing them enemies; but the falsity of this supposition, (which hath misled many thousands, and been the ground of all our miseries) being evident to the Duke, who had the honor to be educated and intimate with HisMajesty from his youth, knowing His Majesty to be a *lover and honourer of the true Protestant Religion, a lover of justice and mercy, and a practiser of all Christian and moral virtues, and with a most maneficient hand a royal Benefactor to himself and his Family*, It may be asked, if it had been either piety or policy in the Duke to have kick'd off so loving and so liberal a Lord and Master, (although he had not been his Sovereign) or to have ingaged against his Country with any Party that for their own ends more than the good of their Sovereign, were disturbers of all moderate Counsels, so long as he had any hopes of Peace; especially seeing so many sad presidents in both Kingdoms, where many powerfull Subjects, lovers of the true Protestant Religion, not joyning prudence with their loyalty and innocence, have crush'd them under the load; and nothing eased His Majesties burthen, but rather increased the same; all their wealth and power being now made instrumental to en-

slave both KING and Kingdoms: the Duke's prudence having vindicated him from the ruine intended against him by his enemies, and reserved him (through Gods blessing) to vindicate his Loyalty by re-enthroning His Majesty so soon as God hath enabled him with any power to do it. As for his Religion, it is known he is neither Popishly affected, nor a Sectary; but who hath ever been a professor of the true Protestant Religion, a lover and Patron of all Godly men and honest Ministers, even in the time of *Episcopacy*, when few or none but himself durst appear for them; if his judgment had not been overswayed in some Star-Chamber sentences before he had that wisdom and experience which he now hath, and long before he did take the Covenant; if he had been ambitious of popular applause, he had been more renown'd for his Religion, than for his Princes royal bounty; but wishing rather to be religious, than seem so, his favours were given in secret to many godly Ministers, and His Majesties honour and good chiefly aimed at in the bestowing of them: and that you may take a short view of his proceedings, as you have done of *Argile*'s, by comparing them, you will find who doth deserve the Title of *the most Religious*.

Duke Hamilton *suffered his worthy Mother to enjoy, besides her own Joynture, all his Estate, (whereby, indeed he lost nothing, she improving it much to his advantage) hath helpt his Brother to a great estate, with Titles and Places of Honour, and profit, suitable to his birth and worth; his Sisters, and now some of his Neices matched in the Noblest and best Families of the Kingdom.*

1. Whereas *Argile* did in his Fathers life time bring him to a Pension, outed his Brother of his Estate, *Kintyre*, and ruined his Sisters by cheating them of their portions, and so enforcing them to go to Cloysters.

The Duke had no quarrel with any save Montrosse; *the ground you heard, for crossing his first intention for* the Invasion of *Scotland, to prevent the misery and*

2. *Argile*, for private quarrels betwixt him and *Montrosse*, *Culkettough*, and the *Athol* men, the Earl of *Airley*, and other, hath drawn much misery and bloudshed

blodshed upon the Kingdom, whom he enforced to espouse his quarrels.

3. *Argile* had enrich'd his Country with the spoyls of the Kingdom, and himself with the great treasure bestowed on him both by *Scotland* and *England*, which is well secured without the reach of an Impeachment.

4. *Argile* hath contrary to his Covenant, Duty and Allegiance, conspir'd to extirpate Monarchical Government, to introduce forein forces of Sectaries to the utter overthrow of the established Religion.

5. *Argile* hath overthrown all Laws, tyrannizing over the Lives, Liberties, and Estates of the Subjects.

6. *Argile* opposeth all wayes of the Peace, & settlement of the three Kingdoms, His Majesties deliverance, and being brought to a Personal Treaty, lest the power should be taken out of his and his Confederates hands, whereby they oppress and ruine both King and Subjects.

7. Lastly, *Argile* hath betrayed his old friends the *Presbyterian party* in both Kingdoms, especially the *Presbyterians* in the Parliament of *England* and City of *London*, not only suffering them to be made a prey to their enemies, but obstructing their relief.

blondshed that he did foresee was like to follow.

The Duke had no spoyls nor gifts given him since ever he signed the Covenant (save the Title of DVKE) but hath been spoyled both himself and friends by those that followed Montrosse.

The Duke stands firm to his Covenant for the established religion, loyal to his Prince for Monarchical Government, faithfull to his Country against all forein Invasion.

The Duke acts nothing but according to the Laws established, according to the Covenant, and the duty of every good Subject.

Duke Hamilton *hath been of that temper to mediate for a well-grounded Peace, His Majesties deliverance, and the Personal Treaty, being the only probable waies for setling the three Kingdoms, and setling the power where it ought to be for the Honour and safety both of King & Subjects.*

The Duke hath used, and is using all endeavours to Vindicate the oppressed Subjects in both Kingdoms, never changing Interests, being alwaies faithfull to all those to whom he did profess love, and friendship.

Let the impartial Reader now judge which of the two is most religious. As this opposition betwixt Duke *Hamilton* and *Argile* makes them both to appear what they are; so this following Parallel betwixt the *Argathelian Faction* and the *Independent Junto* will serve for an eye-salve to cure the eye-sight of both Kingdoms, and let them see clearly how neer they are to the brink of an intolerable and perpetual slavery.

Argile *and his Faction stiled by the* Independents, the Godly party in *Scotland*, the rest all Malignants.

The like in England *by the Army of Sectaries and Independent Junto, above twenty millions shared amongst them, whereof the Kingdom can never get accompt; all places of Honour and Trust of* England *still in the hands of those that are engaged for, and with the army of Sectaries.*

Cromwell *and the army for the King in their first ingagement; but having inslaved the City, inforced the Parliament to the dethroning Votes, and as not formerly acquainted therewith, gave thanks for them, and sent their Emissaries to some seduced Counties and Corporations to do the like.*

1. The Army of Sectaries in *England* (however formerly Preached and wrote against) now called by *Argile's faction, the hope of their safety.*

2. The heavy Taxes imposed and continued upon *Scotland* by *Argile* and his Faction, and all the benefit thereof, and most part of the monies got from *England*, shared amongst them, and no satisfactory accompt given to the Kingdom thereof.

3. All places of Honour and trust usurped by *Argathelians* (til of late) and the Army modelled to maintain their Intereſt.

4. *Argile* formerly (yet but seemingly) for Monarchy, now really against it, and all that desire to assert it.

Cromwell *contributes a Pass to His Guides, slacking the guards, as he did the second time, when he frighted Him with a Plot from* Hampton-Court *to the* Isle of Wight, *where he remains a close Prisoner.*

5. That Faction first betrays the King to come to the *Scots* Army, promising protection, and then most perfidiously delivered Him up to the mercy of His most cruel Enemies.

6. *Argile* and his Faction have been most cruel to those they call their *Enemies*, especially in cold bloud; and perfidious to their friends, deserting and betraying them.

7. *Argile* when he had done mischief, must have both thanks and reward; and like a Conquerour, march through the Kingdom in triumph: a thing never granted amongst the noble Romans to triumph for a Victory in a Civil War.

8. *Argile's* Faction petitions, That the Army intended for His Majesties inlargement, and the relief of our Presbyterian Brethren shall not come in.

9. *Argile* and his Faction desires but five thousand Horse to assist them to subdue *Scotland*, which must be turned a *Province to the Kingdom of the Saints.*

The blood shed in England *under colour of* justice *in cold blood, calls aloud for vengeance; and the perfidious breaches of the Army of their promises to King, Parliament and Country, is too too evident.*

What the insolent Army did, comming with Bayes in their hats when they inslaved the Parliament, and riding in triumph through the City, by whose bounty they were made and maintained an Army, will to their perpetual infamy be registred to all posterity.

The Army, and some others by their instigation, petition that the Kingdome may be setled without the King, and that Army continued to enslave the Kingdom, especially the Presbyterian party, their Army being for Toleration.

Cromwell *was ready to comply, but got some other work for the time; and if God prevent it not, will now speedily be able to obey* Argile's *desires; but if that fail,* Argile *shall have money, and send* David Lesley *to levy Forces abroad to work* Argile's *ends.*

Let this serve for a Caveat to the mis-led and deluded Protestants of the three Kingdomes not to trust the *fair promises or pretences of these seeming Saints*, who have made the *solemn League and Covenant*, (intended for preservation of *Religion, His Majesties Honour, & the just Liberties of the Subject*) to be the ruine of Religion, the dishonour (so far as in them lieth) of His Majesty and

and the most absolute enslaving of all free Subjects, not to Kings or Princes, to Great men or Good men, but to the very scum and off-scouring of both Kingdoms; it being no small grief to all that truly feared God, that so many of the reputed honest Presbyterian party should (out of base fear, or other by-respects) comply so long with these State-Juglers, the Clergy being most active, hastning thereby their own and the Kingdoms misery; for they may be well assured, if these Saints prevail, they must (as some of them have done already) turn their Coats once more, and become the Hirelings, and tongue-tied *Tenants at will to their Brethren of the Independency*, or be kick'd out of their *fat Benefices*, and possibly out of the Kingdom to prevent new Insurrections against them, which they are cunning to procure, having the power in their hand to repress all that dare appear against them may be ruined, others by their example terrified, and their Saints may enjoy the fatness of *England*; but I would ask these violent Clergy-men of the Presbyterian Party that are unwilling His Majesty should be brought speedily to a *Personal Treaty*, what their *Assemblies* of *Divines* have been doing? for if that Confession of Faith set out in *England*, approved of in *Scotland*, be agreeable to the truth of Gods word (as I know nothing to the contrary) why should the chief Magistrate our dread Soveraign be any longer debard of his just dues? is He worse than Infidel, that you will assist those that deny His sacred Majesty that which they allow to Infidel Magistrats? blush for shame, and repent in time, lest as they change their Votes every day, according as the tide of their power ebbs and flows; so they may soon force you to repeal that Article concerning the chief Magistrate, or (like the gloss of *Orleans*) put an exposition upon it which destroyeth the text. *God send us peace and truth, and preserve His sacred Majesty, and his Posterity, and confound the wicked counsels of all such as are enemies to Peace, Truth, and Monarchy.*

——— *Si quid novisti rectius istis,*
Candidus imperti; Si non, his utere mecum.

THE END.

Anarchia Anglicana:

OR, THE

HISTORY

OF

INDEPENDENCY.

THE SECOND PART.

BEING

A Continuation of *Relations* and *Obſervations* Hiſtoricall and Politique upon this preſent PARLIAMENT, Begun *Anno* 16.

CAROLI PRIMI.

By THEODORVS VERAX.

PSALM. 5. 8.

Virum ſanguinum & doloſum abominabitur Dominus.

Printed in the Yeare, M DC. XL. IX.

THE PROTESTATION AND DECLARATION.

THe premiſes conſidered, *I doe hereby in the name and behalfe of my ſelfe, and of all the Free People of* England, *Declare and Proteſt, That the Generall, Councell of Warre, and Officers of the Army, by their ſaid violent and treaſonable force upon the farre major, more honeſt and moderate part of the Houſe of Commons, (being above* 250.) *and leaving only* 50. *or* 60. *Schiſmaticks of their owne engaged Party ſitting and voting under their Command, & almoſt all of them ſuch as have and doe make a prey of the Common-wealth, to enrich themſelves and their Faction, have broken, diſcontinued and waged Warre againſt this Parliament, and have forfeited their Commiſſions. And the remaining Faction in the Houſe of Commons by abetting, ayding, and concurring with the ſaid Councell of Warre, in the ſaid rebellious Force; & by ſetting up new, illegall and arbitrary Courts of Judicature to Murder King CHARLES the Firſt, our Lawfull King, and Governour (who by His Writ according to the Law) ſummoned and authorized this Parliament to meet, ſit, and adviſe with Him, and was the fountaine, Head, and concluſion or conſummatory end of the Parliament, and Supreme Governour over all Perſons, and in all Cauſes of this Kingdome) and by Abolishing the*

Principium, Caput & finis Parliamenti.

Oathes of Allegiance and Supremacy.

the House of Peeres, and the Kingly Office, and Dis-inheriting the Kings Children, and Vsurping to themselves the Supreme Authority and Legislative Power of this Nation, in order to make and establish themselves a Councell of State, Hogen Mogens, or Lords States Generall, and translate the said Supreme Power and Authority into the said Councell of State, and then Dissolve this Parliament and perpetuate their said Tyranny and this Army; and Governe Arbitrarily by the Power of the Sword; and raise what illegall Taxes they please, and eate out, consume and destroy whosoever will not basely submit to their Domination. Have by the aforesaid waies and meanes totally subverted this Kingdome, & destroyed the fundamentall Lawes, Authority and Government thereof, Dissolved and Abolished this and all future Parliaments, so that there is now no visible, lawfull Authority left in England, but the Authority of King CHARLES the Second, who is actually KING of all His Dominions presently upon the Decease of the King His Father, before any Proclamation made, or Coronation solemnized, notwithstanding that by His unjust Banishment (caused by the interposition of the said trayterous, combined, Antimonarchicall Faction) He be eclipsed for the present & not suffered to performe any Acts of Government to His three Kingdomes, and restore peace, plenty, justice, mercy, Religion, Lawes, and Liberties, to them againe, which no hand but His owne can bestow; and therefore in vaine doe the People long for and expect Figgs from Thistles, Grapes from Thornes: This Kingdome of the Brambles now set up, being onely able to Scratch and Teare, not to Protect and Governe them. I farther Declare and Protest, That this combined trayterous Faction, have forced an Interregnum and a Iustitium upon us, an utter suspension of all Lawfull Government, Magistracy, Lawes and Judicatories; so that we have not de jure, any Lawes in force to be executed, any Magistrates or Judges Lawfully constituted to execute them: any Court of Justice wherein they can be judicially

See 1. part, sect. 105, 106. and the Conclusion; 15, 16. 17, 18. and returne to sect. 79. 109. 110 Stat. of Recognition, 1. *Iac.* Oathes of Allegiance and Supremacy.

judicially executed; any such Instrument of the Law as a lawfull Great Seal, nor any Authority in England that can lawfully Condemne & Execute a Thief, Murderer, or other Offendor, without being themselves called Murderers by the Law, all legall proceedings being now coram non Iudice; nor can this remaining Faction in the House of Commons shew any one President, Law, Reason or Authority whatsoever for their aforesaid doings, but onely their owne irrationall tyrannicall Votes, and the Swords of their Army: Wherefore I doe further Declare and Protest before God & the World, That all Free-borne Subjects of the Kingdomes of England and Ireland, are bound by the Stat. of Recognition, 1. Iac. and by all our Lawes and Statutes, By their Oathes of Allegiance, Obedience and Supremacy, the Protestation and Nationall Covenant, by very many Declarations, Remonstrances, Petitions, and Votes of this Parliament; and all Souldiers are engaged also by their owne Declarations, Remonstrances, and Proposalls, to defend, assert, and vindicate, with their lives and fortunes, the Person, Authority and Title of our aforesaid Lawfull KING and Supreme Governour (the undoubted Heyre of all His late Fathers Dominions) CHARLS the Second, by the Grace of God, King of Great Britaine, France, and Ireland, &c. against all Opposites and pretended Authorities whatsoever, unlesse they will be guilty of the fowlest sinnes of Treason, Rebellion, Perjury, and perfidiousnesse against their God, their King and Country; and of prostituting the Religion, Lawes and Liberties of the Land, their Wives, Children, and Estates, to the lusts of an Armed Faction, usurping a farre more Arbitrary and Tyrannicall power over our Consciences, Persons, Liberties and Estates then ever was knowne in England before, or then is now used by the Russe, Turke, or Tartar, or any the most enslaving and lawlesse Tyrants under Heaven.

An Exhortatory Conclusion to the English Nation.

Compare the Date of the K. Commissions with those of the Parliament, and their Declarations on both sides.

TO conclude the series of Affaires and Action on both Parties (especially of late) rightly compared, it appeareth by the sequele, That KING CHARLES the First, from the beginning took up Defensive Armes to maintaine Religion, Lawes, Liberties, and the Antient fundamentall being of Parliaments, and this Kingdome; and that there alwaies was, and now especially is, a predominant Faction in Parliament (notwithstanding their frequent Declarations, Remonstrances, Petitions, Protestations, Covenant, and Votes to the contrary) conspiring with a Party (especially of Commissioned Officers of the Army) without the Houses to Change the Fundamentall Lawes and Goyernment of the Church and Common-wealth, to usurp into a few hands the Supreme Authority, to enslave the People with an Oligarchicall, Military, and Arbitrary Government, to raise what illegall Taxes they please to establish their tyranny and enrich themselves and their Party, to oppresse, consume and devoure all Men of a judgement contrary to their Interest; to Murder them by new-declared arbitrary Treasons, contrary to the *Stat.* 25. *Edw.* 3. for ascertaining Treasons; to Disfranchise them of their Birth-rights, and make them *Adscriptios Glebæ*, Villaines Regardante to their owne Lands, which the Nobility, Gentry, and Yeomanry plough, sowe, and reap, whilst Brewers, Dray-men, & Coblers

eate,

eate, drinke, and play upon the sweat of their labours; and are the Usufructuaries of their Estates. All which they have lately brought to passe; wherefore let all true English-men (as becomes good Christians, good Patriots, and gallant Men) claime their Birth-rights; and with one voice crie out.

1. *We will not Change our Antient, setled and well approved Lawes to which we are sworne.*

2. *We will not Change our Antient and well-tempered Monarchy to which we are Sworne.*

3. *We will not Change our old Religion for New Lights and inventions.*

4. *We will not subject our selves to an eight part of one Estate or House of Parliament, sitting under a force, and having expelled two hundred and fifty of their Fellowes (more Righteous then themselves) by force, and usurping to themselves the Supreme Authority.*

5. *We will not be subjected to a new Supreme Authority usurped by forty ambitious, covetous* Tyrants, *arrogating to themselves to be a Councell of State, and designed to supply the roome of Parliaments, under what name or title soever they shall maske themselves.*

6. *We will not submit our selves to a Military Government, or Conncell of Officers.*

7. *We must and will have* A KING, *and* The KING *whom the Lawes of God and this Land have Designed to us, we being by the Oathes of Allegiance, Obedience, and Supremacy sworne to beare faith and true Allegiance to* KING CHARLES *the First his lawfull Heyres and Succeſſors.*

See the Stat. of Recognition, 1. Iac. and the Oathes of Allegiance, Obedience; and Supremacy.

Hic telum infigam, moriarque in vulnere ———

Postscript.

READER, at the latter end of my First part of *The History of Independency*, I have presented to thy consideration, some Generall Conclusions arising out of the Premises: the same Conclusions doe as naturally arise out of the Premises of this Second part of the History: and doe as aptly serve to illustrate this Second, as that First part; wherefore to that First part I send thee for opening thy understanding.

When our old Lawes run againe into their Antient Channell, and the Sword of Murder is sheathed, and the Sword of Iustice drawne, the Author engageth to publish his Name & Apologie, and shew what he hath done and suffered for the Parliament and Kingdome.

THE END.

In the 103. Page, in the Catalogue of those Persons who did actually sit upon Tryall of King CHARLES the First. These following Names are omitted, who ought to have been inserted,

William Say, Esquire.
Col. *Matth. Thomlinson.*
John Blackston.
Gilb. Millington.
Abraham Barrell.
Col. *Jo: Downes.*
Master *Norton.*
L. Gen. *Tho: Hammond.*
Nich: Love.
Vincent Potter.
Augustine Garland.
Sir *Miles Lyvesey.*
Jo: Dixwell.
Simon Mayne.
Daniel Blagrave.
Col. *Robert Lylborne.*
Col. *Rich. Deane.*
Col. *Huson.*
L. Col. *W. Goffe.*
Master *Carewe.*
Jo: Joanes.

TO THE READER.

READER, having spoken to thee in the *First Part*, I might have forborne thee in this *Second*, did I not feare to seem guilty of the sullennesse & malignity of these times. The subject-matter of my Booke is a Combination or Faction of *Pseudo-Politians*, and *Pseudo-Theologitians*, *Hereticks* and *Schismaticks*, both in Divinity and Policy; who, having Sacrificed to their Fancies, Lusts, Ambition and Avarice, both their God and Religion, their King and Countrey, our Lawes, Liberties & Properties, all duties Divine and Humane, are growne so farre in love with their prosperous Sinnes, as to entitle God himselfe to be Father and Author of them; from whose written Word & revealed will held forth to us in the Scriptures as the onely North Pole and Cynosure of our Actions (where they find no warrant for their doing) they appeale to the secret will and Providence of God, to which they most Turkishly and Heathenishly ascribe all their enormities, only because they succeed: and, from that abysse of Gods Providence, draw secondary Principles of Necessity and Honest intentions, to build the *Babel* of their confused Designes and Actions upon; not considering that wicked Men performe the secret will of God to their Damnation; as good Men doe the knowne will of their Father to their Salvation. If a Man lie sick to death, and his Sonne wish him dead, this is sinne in the Sonne, although his desire concurre with the secret will of God; because the Sonne ought to desire the perservation of his Fathers life; whereto the will of God revealed in his word

obligeth him: and, *vivendum secundùm Præcepta, non secundùm Decreta Dei*; The secret will and providence of God can be no rule and law of our actions, because we know it not, nor can search into it without presumption: We must not therefore, *altùm sapere*, thinke our selves too wise and well gifted to tie our selves to the Scripture of God; & lust after Revelations and Inspirations; expecting God should raine Bread from Heaven for us, (*Manna, Exod.* 16. 4.) but be wise unto sobriety. But, *prosperum scelus, virtus vocatur:* Thus casting off the written word of God (unlesse where by an enforced interpretation they can squeeze Atheisme and Blasphemy out of it (as they doe sometimes rack Treason, Murder, and Nonsense out of our Lawes and Parliament-priviledges) conducible to their ends, they insensibly cast off God himselfe, and make themselves both the supreme cause and finall end, the *Alpha* and *Omega* of all their doings, whilst they use the Hidden & unsearchable Providence of God but as a Disguise and Visard to Maske under, like *Cælius* the Atheist in *Martial.* Prosperity is become a snare to them, and a Topick place out of which they draw Arguments to satisfie themselves there is no God, no Religion, but a prudentiall one to foole the People with.

Nullos esse Deos, inane Cœlum,
Affirmat Cælius, *probatque,*
Quòd se videt, dum negat hæc, beatum.

But O wretched unholied men! What are they that thus commit Burglary in the *Sanctum Sanctorum* of Gods Providence? That presume, not onely to prie into but to thrust their hands polluted with blood and rapine into Gods mysterious Arke? Thus much for the subject matter. For the manner of my writing, I confesse, as to the style, it is not *æquabile scribendi Genus*, all of one weaving and contexture: It is a History writ with a Satirique style and veyne;

——*Nam quis iniqui,*
Tam patiens orbis, tam ferreus ut teneat se?

It

It is a virtue to hate and prosecute vice. The Scripture tells us, *there is a perfect hatred, a Holy Anger.* And our *Chaucer* tells us, *The words must be of kynne unto the deeds:* otherwise, how can they be expressive enough? I detest *vitia pulcherrimè mangonizata*: vice trik'd up in virtues rayment; and prostituted under her modest dresse to stirre up Adulteres, *Quicquid agunt homines nostri est farrago libelli.* A huge Gallymaufry, an *Oglio* of all villanies I here set before thee: it cannot be all of one dressing and seasoning, it must be a mixture, a *Hogo* of all Relishes; like *Manna* in the Wilderness, it must be applicable to all Palates: wherefore according to the variety of every present subject-matter, *vel ridenti rideo, vel flenti fleo,* I become all things to all Men, I assimilate my affections and humors to every Mans humor as well as to the present Theme; that I may take every Man by the right hand and lead him out of this *Vr* of the Chaldeans, this Land of *Egypt*, this House of Bondage in judgment and conscience, though not in person and estate: which must onely be the mighty handy-work of that God who is able to divide the Red Sea, and give us a safe march through it upon drie Land.

Which that he would vouchsafe to doe let us all joyne our hearty prayers: and that we may instrumentally serve him in it, let us all joyne our heads, hearts and hands together, since God neglects faint-hearted and cowardly prayers: Let us not lie in the Ditch and crie, *God help us.* But let us help God to help us; and keep *cor unum, viam unam,* in the doing of it.

The Ordinance passed 20. Aug. 1647. To null and voyd all Acts, &c passed under the force of the Apprentices.

Die Veneris 20. Auguſt. 1647.

An Ordinance for Declaring all Votes, Orders, and Ordinances paſſed in one or both Houſes, ſince the Force on both Houſes, *Iuly* 26. untill the 6. of this preſent *Auguſt*, 1647. to be null and void.

WHereas there was a viſible, horrid, inſolent and actuall force upon the Houſes of Parliament, on Monday 26. *Iuly* laſt; whereupon the Speakers, and many Members, of both Houſes of Parliament were forced to abſent themſelves from the ſervice of the Parliament: and whereas thoſe Members of the Houſe could not returne to ſit in ſafety before Friday, the 6. *Auguſt*; It is therefore Declared by the Lords and Commons in Parliament aſſembled, that the Ordinance of Monday, 26. *Iuly*, for the Repealing and making void of the Ordinance of the 23. of the ſaid *Iuly*, for ſetling of the *Militia* of the City of *London*, being gained by force and violence; and all Votes, Orders, Ordinances paſſed in either, or both Houſes of Parliament, ſince the ſaid Ordinance of the 26. of *Iuly*, to the ſaid 6. of *Auguſt*, are null and void, and were ſo at the making thereof, and are hereby Declared ſo to be, the Parliament being under a force, and not free: Provided alwaies, and be it Ordered, That no Perſon or Perſons ſhall be impeached, or puniſhed for his or their actions, by, or upon, or according to the aforeſaid Votes, Orders, or Ordinances, unleſſe he, or they ſhall be found guilty of contriving, acting, or abetting the aforeſaid viſible and actuall force; or being preſent at, or knowing of the ſaid force, did afterwards act upon the Votes ſo forced, or were guilty of entring into, or promoting the late Engagement for bringing the KING to the City upon the Termes and Conditions expreſſed in His Majeſties Letter of the 12. of *May* laſt.

John Browne
Cler. Parl.

ERATA.

P. 9. L. 9. r. ſpoken. p. 16. l. 29. r. Papir Curſor. p. 21. l. 14. r. Hypothetically. p. 28. l. 9. r. without. p. 70. l. 35. r. which action. p. 82. l 33. r. Trayterous. p. 103. l. ult. col. 2. r. Io. Dove. p. 115. l. 7. r. diſapprovable. p. 127. l. 22. r. feare. p. 177. l. 6. r. ſlay. p. 224. l. 35. r. powr reſides. p. 240. l. 6. r. act with them. l. ult. r. the moſt.

THE

THE SECOND PART OF *The Hiſtory of Independency.*

MY Firſt part of *Relations and Obſervations Hiſtoricall and Politique upon this preſent Parliament*, begun *Anno Dom.* 1640. *anno Car. primi*, 16. is divided into tvvo parts or Books, [*The Myſtery of the two Iuntoes, Presbyterian and Independent,*] vvherein I ſhevv vvith vvhat art (to advance their deſignes) the Grandees divided the Houſes into the ſaid tvvo Factions; vvhich Factions entertaining the Quarrell in earneſt, their reſpective Grandees vvere forced to turne their jeſt into earneſt too, for upholding their Authority, vvith their ſeverall Parties: not unlike Butchers, vvho, in a Country Market ſet their Dogs together by the eares in ſport, and at laſt ovvne their Dogs quarrell themſelves in earneſt. The ſecond Book is, [*The Hiſtory of Independency,*] vvherein I ſhevv the *Riſe, Growth, and Practiſes of that Party*; vvhich being full of ſchiſmaticall quick-ſilver, reſtleſſe and ſtirring, and tenable by no Oaths, Principles, Promiſes, Declarations, nor by any obligations or Lavves divine or humane, doth novv enjoy the fruits of their perfidiouſneſſe and treachery, a Conqueſt gotten over their Adverſaries by pretending, proteſting, and falſe promiſing, vvhich they attribute to the Bounties and Mercies of God: and from the ſucceſſe of their villanies argue moſt Turkiſhly his bleſſings over them; and as Ievviſhly arrogate to themſelves to be the peculiar People and Saints of God, although he uſeth them but as a Rod in his hand to ſcourge the ſinnes of the other Party, and of the vvhole Kingdome. It is the uſuall method of Gods juſtice not onely to puniſh one ſinne

1. The Proem

by another, but one Sinner by another; nay, a lesser Sinner by a greater: and at last to receive the humble and corrected Sinner into *Abrahams* bosome, and cast the insulting Executioner of his vvrath into the fiery fornace of his anger. In my aforesaid [*History of Independency*] you have that Faction conquering: In this *Continuation* or *Supplement* of the said History, I represent them to you triumphing, using and abusing their Victories to the dishonour of God, destruction of the King, beggering and enslaving of the Kingdome, depriving us of our Religion, Lavves, Liberties and Estates, and consequently, making our VVives and Children the objects of our feare, despair, and ill boding doubts, not the objects of any comfort and joy vve can take in them, vvhose miseries vve foresee, but cannot help. VVhen I consider the intricacy of this my undertaking, hovv perplexed it is, hovv intangled vvith various changings, counterchangings, revolutions, revoltings, and betrayings of Parties, (such are all Civill VVarres, but especially those vvhere the most uncivill and barbarous sort of men, the dregs and lees of the People svvim a top) hovv full of divisions, and subdivisions; in so much that they vvho are Friends and hold together in one Interest or Faction, are Opposites in another. Methinks my labour is as vaine as his that attempted to take the Picture of *Proteus*; or his, that endeavoured to shape a Garment for the Moone: vvhen God brought a Confusion but of Lips and Tongues upon *Babel*, vvhat Man vvas able to reduce them into order againe? But God hath brought upon us a Confusion, a *Babel*, not onely of Lips and Tongues, but of Heads, Hearts, Hands, &c. VVhat Historian can find a method in so universall a *Chaos*? can dravv light out of so palpable a darkenesse? Besides, I foresee my revvard to be envie, hatred, malice, contempt, slanders, sequestration, beggery, imprisonment, and at last an Arbittary death vvithout any Legall Tryall, proceedings, Iury, Iudges, or Court, or any knovvne established Lavv to judge by; *Obsequium amicos veritas odium parit.* I have already followed truth so neer at the heels (although but a private retainer to her) that almost all my teeth are secretly stricken out: vvhat dare they not novv doe openly against me? since by murdering our King; dis-inheriting his Posterity, subverting Monarchicall Government, abolishing the House of Lords, and perverting the House

House of Commons, setting up new Representatives, with Supreme and Legislative Power, and new Courts and Iurisdictions against all Lawes, they Proclaime themselves Conquerours of King, Parliament, and Kingdome, Victors of our Religion, Lawes, Liberties, & Properties, & Triumphers over our Persons, Wives, Children, and Estates? since they professe their will & power, to be the only Lawes & Rules of their doings, and our sufferings. But when I consider, that as no mans innocency, so no mans reservednesse can protect him; but that some men must die (according to *Catiline's* rule) to make up the number, others to multiply confiscations, others to satisfie private suspitions, malice & revenge, & many must die to cement and foment this new erected Tyranny with their bloud, I thought it as easie & more honourable to die waking and working for my God, my King, and Country, than to die sleeping, and have my throat cut in a Lethargy. I know these Schismaticks thirst as much after bloud, as they hunger after money: and I am sure to be involved in the common and inevitable ruine of my Country, why should I not rather perish for it now, then with it hereafter? It is more manly, more noble, more Christian; *Dulce & decorum est pro patria mori*; was the saying of an Heathen, why not of a Christian? Religion, Lawes, and Liberties, lie now at stake; why should not I come in for a Gamester? it is a mixt cause, and he that dies for it is a Martyr. He that feares Death, must be a slave to those Tyrants that carry the Sword; he that feares Poverty, must be a Villaine to those *Iudasses* that beare the Purse; but he that feares God, will borrow strength from him to contemne them both: Thus putting my trust in God, I put Pen to Paper, and my life into the scales, where God (I know) holds the ballance: he whose providence takes notice of a Sparrow falling from the house-top, will watch over me, and either protect me against them, or receive me from them.

2. An Introductory Repetition. See my I. [illegible] of the *History of Independency*, sect. 7, 8, 9, 11, 13, & 14.

Cromwell and *Ireton* (by advice of their thriving Iunto of Independents in the two Houses) having mutinied the Army against their Masters the Parliament, found that crime could not be defended but by committing greater: wherefore they seized the Kings Person at *Holdenby* to gaine Authority with the People; that they might the better subdue the Parliament to their lusts:

18, 19. for the better expediting vvhereof, they courted the City of *London* to sit Neuters, and let them vvorke their vvills vvith the Parliament; vvhich Myne not taking fire, they united the sciſmatical Party of the City and Countrey to them, and all ſuch as being guilty of publique cheats and ſpoyles, deſired the protection of the Svvord to make good their rapines: and accounted all men elſe as Enemies; applying themſelves to vvooe and cajole the People; eaſily vvrought upon as being vveary of the VVarre, and of the Miſ-government, Factions, confuſions and oppreſſions of their nevv Maſters the Parliament; vvhich indeed vvere very great, but aggravated by them and their Agitators beyond the truth: and the vvhole vvaight of them charged upon the more moderate and innocent Party, (onely becauſe they vvere their Oppoſites) vvhereas had they ſet the ſaddle upon the right horſe, as ſure as *Iudas* bore the Bagge, the Independents muſt have rid before the Cloakbagge; they being the Publicans and Sinners that handled moſt publique treaſure. The Layers on, Exactors, Treaſurers, &c. of Taxes, the farre more numerous and buſie party in all Mony-Committees, and gainfull Employments, Engroſſers of all great Offices; and the greateſt Sharers of Publique money amongſt themſelves for Compenſations for Loſſes, and Revvards for Services pretended; and conſequently, that Faction vvere the greateſt Dilapidators of the Common-vvealth, Oppreſſors of the People, and Authors of confuſion, though (according to cuſtome) by an impudent fallacy, called (*Tranſlatio criminis*) the Independent faction lay their Baſtards at other Mens dores, making a ſhevv to redreſſe thoſe faults in other men, vvhich themſelves are chiefly guilty of: vvherefore the better to ingratiate themſelves vvith King and People, they printed and publiſhed Engagements, Declarations, Remonſtrances, Manifeſtoes, Propoſals, and Petitions of their ovvne penning, and ſent them by their Agitators and ſectary Prieſts into all Counties for concurrence and Subſcriptions: the better to ſteale the reſpects of the People from the Parliament to themſelves, like *Abſolom*, they flattered the People to make Addreſſes and Complaints againſt publique Grievances to them onely: Boaſting themſelves for the ſole Arbitrators of Peace, Reſtorers of Lavves, Liberty, and Property; Setlers of Religion, Maintainers of the Priviledges of Parliament,

Refor-

Reformers and Callers to Account of all Committees, Sequestrators, Treasurers, &c. Deliverers of the People from that intolerable Excise, and other Taxes: But above all, Preservers of all just Interests, and Restorers of the King to his just Rights and Prerogatives with *honour*, *freedome*, and *safety*, to his Person, (originally their owne words, though since they Quarrell with Parliament & City for using them) & Reducers of his Queen and Children; without which they openly profesle and Declare positively in many printed Papers to the world and the Parliament, There can be no setled peace nor happinesse to this Nation. The truth of this Assertion was obvious to the meanest Capacities; and will sodainly be proved by deare and lamentable experience. To all these undertakings they now hunt directly counter, yet in pursuance of these undertakings, the Army (by their owne Authority) made Addresses to his Majesty, and presented to him more tolerable Proposals than any he could obtaine from his Parliament: They treated with him, yea they wrought upon him under-hand to neglect the Propositions from Parliament tendered to him at *Hampton-Court*, and to preferre the Proposals of the Army; and then (presuming they had him fast lymed) they propounded to him anew (as I have it from good hands) private Proposals for the Interest of the Independent Grandees and the Army, derogatory to the Kingly Power and Dignity, to the Lawes, Liberties and Properties of the Subject, and destructive to Religion. To which his Majesty giving an utter denyall, they began to entertaine new Designes against the Kings Person, and Kingly Gouvernment, which they ushered in by setting the Schismaticall and Levelling Party on work in City and most Counties, to obtrude upon the Houses clamorous Petitions against further Treaties, and demanding exemplary Iustice against the King: exceedingly laboured by

Booke of Declarations of the Arm pag. 112.

Represent: of the Army at S. *Albo* *Lune*, 23. 1647.

B. Decl: againe, p. 64

Sir *Tho: Fairfax's* Letter to the Ho ses from *Reading*, *Iuly* 6. 1647.

B. Decl: againe, p. 75.

Propositions of the Army, *Aug.* 1. 164 *Putney* Projects, p. 13. 14, 43. a my Animadverssions upon the A mies Remonstrance, delivered to th Commons, *Novemb.* 20. 1648.

The second part of *Englands* New Chains; and the Hunting the Fox from *Newv Market* and *Triplo hea* to *White hall* by five small Beagle p. 6, 7.

See my Animadversions upon th Armys Remonstrance, *Nov.* 20. 164 and *Putney* Projects, p. 43. and Ma jor *Huntingtons* Relation in a Book caled, A plea for King and King dome, in Answer to the Armys Re monst: presented *Novemb.* 20. 1648 pag, 14, 15. 16. and, Second part o *England's* New Chaines; and th said Hunting of the Foxes, &c. An the Reasons inducing Major *Rober* *Huntington* to lay downe his Com mission.

Cromwell himselfe in *Yorkeshire* both amongst the Gentry and Souldiers, &c. (amongst these the Petition, *Decemb.* 11.1648. vvas the most eminent) these men that insolently petitioned against the fundamentall Government of the Land, and Peace by Accommodation, vvere entertained vvith Thanks; Others that petitioned for Peace by Accommodation vvere entertained vvith Frovvns, disfranchisings, sequestrations, vvounds and death, as the *Surrey* Gentlemen; this shevved vvith hovv little reality the over-ruling Party in the Houses Treated vvith the King. In order to this Designe of laying aside the King, and subverting Monarchy, They 1. frighted his Majesty into the *Isle of VVight.* 2. The Parliament (that is, the predominant Party) pursued him thither vvith offer of a Treaty upon Propositions: conditionally (that before he should be admitted to Treat) he passe 4. Dethroning Bills; of so high a nature, that he had enslaved the People, subverted Parliaments, and had made himselfe but the Statue of a King and no good Christian, had he by his Royall assent passed them into Acts of Parliament; and the Parliament (or rather the Grandees) after his Royall assent, might have made themselves Masters of all the other Propositions vvithout his Consent: so that this Treaty vvas but a flourish to dazle the eyes of the vvorld. His Majesty therefore denied the 4. said Bills, and thereby preserved the legall Interests of King, Parliament, & People; yet the Faction presently tooke a pretence and occasion thereupon to lay aside the King, by passing 4. Votes for no more Addresses to him; and a Declaration against him: vvhich vvere not passed vvithout many threats, and more shevv of force then stood vvith the nature of a free Parliament, the Army lying neere the Tovvne to back their Party: the designe having been layd before hand betvveen Sir *Henry Vane* Iunior, Sir *Iohn Evelyn* of *VVilts*, *Nath: Fiennes*, Solicitor *Saint Iohns*, and a select Committee of the Army. I told you before the People had been throughly instructed formerly by the Army and their Agitators, That *there could be no peace nor happinesse in* England, *vvithout restoring the King to his just Rights and Prerogatives*, *&c.* notvvithstanding vvhich the People novv found their hopes that vvay deluded by the Army and their Party; vvho had cast off the King upon private discontents, the true grounds vvhereof did not appeare; and

. part of *England's* Chaines liscovered.

.Treaty in the *sle of Wight.*

: par. Hist. Ind. ect. 62,63,64.

Ibidem. sect. 65, 66,68,69,70, 71,72,74,75. And my said Animadvers: p. 10. And the 2 part of *England's* new Ch:

2. part of *England's* new Ch: discovered, p. 4,5.

and had obstructed all wayes to Peace and Accommodation, and made them dangerous and destructive to such as travailed peaceably in them, witnesse the sad example of the *Surrey-men*, *Kent*, *Essex*; and all to perpetuate their great Places of power and profit. The minds of the People therefore troubled with apprehension that our old Lawes and laudable forme of Government should be subverted, and new obtruded by the power of the Sword, sutable to the lusts and Intrests of these ambitious, covetous Men; and finding besides evident symptomes of a new Warre approaching to consume that small Remainder, which the last Warres had left; grew so impatient of what they feared for the future, and felt at present (insupportable Taxes, Free-quarter, insolency of Souldiers, Martiall Law, Arbitrary Government by Committees, and by Ordinances of Parliament changed and executed at the will and pleasure of the Grandees, in stead of our setled and well approved Lawes) that despaire thrust them head long into Armes in *Wales*, *Kent*, *Essex*, *Pontefract*, *&c*, and at the same time a cloud arising in *Ireland*, a storme powred in from *Scotland*, and the *Prince* threatning a tempest from Sea; these concurrences looked so black upon the Independent Grandees, that they gave way to a second mock-Treaty in the *Isle of Wight*; which was the fruit of their covvardise and subtilty; as appeares by Sergeant *Nicholas* (a Creature of theirs) who (upon Saturday, *Octob.* 28. 1648.) moved in the House, *That the Lord* Goring *might be proceeded against as a new Delinquent out of mercy*, because he had Cudgelled them into a Treaty; though now they attribute all to the Kings corrupt Party in the two Houses: the Army likewise kept a mock-fast or day of Humiliation at *Windsor* to acknowledge their sinnes, and implore Gods mercy for their former disobedience to the Parliament in not Disbanding, and their insolent Rebellion in Marching up in a Hostile and Triumphant posture against the Parliament and City, *August.* 6. 1647. promising more obedience hereafter, and to acquiesce in the judgement of the Parliament, and Declared, *That it was proper for them to act in their owne sphere as Souldiers, and leave State affairs to the Parliament*: but this was done but to recover the good opinion of the people and City, and to keep them from stirring, and to stay the moderate

2 Treaty in the *Isle of Wight.*

Decl. *Iune* 14. 1647.

rate Party of the tvvo Houſes from Declaring the Army Enemies, recalling and Voting their Commiſſions, and eſtabliſhed Pay voyde, vvhich they might have done vvith ruine to the Army and their Party in that Conjuncture of Affaires, and vvith ſafety to themſelves, and applauſe of all honeſt men of *England* that had taken part vvith the Parliament from the beginning; had not ſome Grandees of the rigid Presbyterian party (both vvithin and vvithout the Houſes) ſome curſed thing, ſome *Achans* vvedge in their boſomes vvhich ſuggeſted, Their ſinnes vvere greater than could be forgiven; and therefore they durſt not caſt dovvne the partition vvall betvveen them and the King (this Army) though it leane ſo hard upon them, it is ready to overvvhelme them; VVarre is neceſſary for ſome men of every Faction, vvhoſe crying ſinnes peace vvill lay open and naked to the ſcorne, deriſion, and deteſtation of the vvorld. Hovv vvel theſe ſanctimonious Svvord-players of the Army have obſerved the Duties & Undertakings of their ſaid Humiliation, let the vvorld judge: Have they not returned againe vvith the Dogge to the Vomit? have they not couſened God, and their ovvne Soules? Sure they faſted from ſinne then, that they might ſinne vvith the more greedy appetite novv; and asked God forgiveneſſe of the old ſcore, that they might ſinne againe upon a nevv ſcore. Thus you ſee the 2. Treaties in the *Iſle of VVight* vvere begotten by feare and (that Idol of the Independents to vvhich they offer up all their knaveries) neceſſity. They vvere Cocatrice Eggs layd by their Grandees vvhen they had been Crovv-trodden by Armies from abroad, & Tumults at home; upon vvhich they ſate abrood onely to hatch Scandals and nevv quarrels againſt the King, Anarchy and confuſion to the State, and Tyranny and oppreſſion of the People: to ſet up the Olygarchy of the Saints, or Councel of State, the Kingdome of the Brambles, vvhich ſince doth ſcratch the vvool from off the skin, the skin from off the fleſh, the fleſh from off the bones. I. have been compelled to uſe ſome introductory Repetitions in this part of my diſcourſe, that I may give you the vvhole myſtery of the 2. Treaties vvith the King in the *Iſle of VVight*, vvith the cauſes efficient, and finall of them, under one vievv; leſt ſome one link of the chaine eſcaping your obſervation, it become a Chaine of errors to you.

See my 1. part ſect. 65, 66, 105 106, 107. and the Concluſions there. Sect. 16, 17, 18

My first part of the *History of Independency* ends vvith that vvhich vvas but an unlucky preface to a Treaty vvith the King; namely, *Cromwel's* menacing Letters to the Speaker of the House of Commons, dated *August* 20. 1648. Relating his easie purchase of a great Victory over Duke *Hamilton*, and Lieut. Gen. *Bayly*; vvherein he relates the number of the Scotish Forces, farre differing from the former Report of Lieut. Col. *Osborne* a Scotish Gentleman, made in the House of Commons, *July* 20. (vvhere of I have spoken in my first part) vvho (to take avvay the terror of them) estimated *Hamiltons* and *Langdales* conjoyned Forces to be but 10000. and it vvas then thought a note of disaffection to report them any more; but this Letter (for the greater glory of his sanctified Army) multiplies them to be 21000. The manner of the Fight vvas very strange and Exceedingly to be suspected (especially by any man vvho hath heard or read of *Bayly's* former demeanour in his ovvne Country at *Kylsythe* and *Auforte Kirke*) It vvas little better than a beating up of Quarters for 20. miles together (for so far the Scots Army lay scattered in their Quarters, the Horse so farre distant from their Foot, they could bring them no seasonable reliefe) Sir *Marmaduke Langdale* vvith his small Party drevv forth, and made an honourable resistance, had he been timely and strongly seconded: on the Scotish Party the Fight began at *Preston* in *Lancashire*, vvhere the Duke being vvorsted, retreated to *VVigon*, from thence to *VVarrington* thorovv Lanes and Fastnesses, vvhere *Bayly*, Lieut. Generall of the Scotish Foot, being strongly quartered upon a Bridge & Passe, yeilded up 6000 Foot and Armes vvithout fighting, and so ruined his vvhole Infantrey: from *VVarrington* the Duke fled vvith 4000. Horse to *Namptwiche*, from thence to *Vtoxeter*, vvhere his manner of yeilding himselfe to Colonel *VVayte* (a Member of the House of Commons) take out of *VVaytes* ovvne report in the House, vvho said, *the Duke yeilded simply, and without any Articles of Surrender; that he voluntarily gave him his Sword, Scarfe, Signet of Armes, and his George; that he hung upon him so that he could not get from him, desiring him to secure him from the rage of the Souldiers; saying, He had not come into* England, *but that he was invited by a greater part of Lords, Commons, Citizens and Covenanters then called in the last Scotish Army*: presently the Bloud-

3. *Hamilton* overthrovvne. See my 1. part sect. 136.

Sect. 110, 111.

hounds of the Faction in the Houſe ſented this, and called upon *VVayte* to knovv vvhether he named any? *VVayte* Anſvvered, that *Hamilton was a ſubtile, politique Lord, and no doubt (for the ſaving of his owne life) would doe that in more convenient time.* Hereupon a Committee (all of Canibal Saints) vvas preſently packed, and ordered to go dovvne and examine the Duke, but no particulars could they get from him: vvhich vvas an honourable ſilence, and made amends for his former laviſh ſpeech. It vvas happy the *Prince* did not truſt himſelfe in the Head of this Army. Had *Hamilton* marched immediately to *Colcheſter*, or but to *Pontefract*, (vvhich he might eaſily have done, *Lambert* his onely Oppoſite ſtill retreating before him) the vvhole Country had riſen vvith him. But he knevv the Presbyterian party had rendred themſelves contemptible, and he as much contemned the Independents, therefore he foreſlovved his march, vvilling *Cromvvell* and *Fairfax* ſhould ſubdue all other Parties, and that he onely might have Armes in his hands to bring in the King upon his ovvne tearms; this over-confidence undid him: He vvas too much a Stateſman, and too little a Souldier.

4. The inſolency of the ſchiſmaticall Members upon report of the Victory.

This Victory did vvorke like Botled-Ale vvith *Scott*, *Thomſon*, *Cornelius Holland*, Sir *Henry Myldmay*, and many others of the light headed Saints, vvho vvere ſo puffed up vvith the vvindineſſe of it, that they began to ſvvell vvith diſdaine and malice againſt the Perſonall Treaty, and to threaten and inſult over all that had either petitioned for it from abroad, or ſpoke for it in the Houſe, as the onely meanes of peace and a ſetlement.

5. The vviſer ſort ſubtlely continue a mock-Treaty.

But the vviſer ſort (more crafty to doe miſchiefe) knovving, that the people vvere vveary of Taxes and the Army, and had no hopes of peace but by a Perſonall Treaty; and vvere reſolved to purchaſe peace, although at the price of a nevv VVarre: that *Colcheſter*, *Pontefract*, *Scarborough*, and a Caſtle or tvvo in *Kent* vvere not yet reduced, the people in *VVales*, *Kent*, *Eſſex*, the *North*, not yet ſetled in ſuch a calme, but that a nevv ſtorme might ariſe: a conſiderable party of the *Scots* yet unbroken in *England*, and fronting *Cromvvell* and *Lambert*, under the command of *Monroe*, a daring, knovvîng, and uncorrupted Commander; *Scotland* it ſelfe not yet aſſured to them: and above all, the *Prince of VVales* vvith a ſtrong Fleet at Sea, likely to raiſe nevv tempeſts at Land,

had

had he landed some men in *Kent* or *Essex*, to gather up the male-contents there but nevvly scatterd & broken, & ready to adhere to any Party to defend themselves from the fury and rapines of their Committee; *VVarwicke* but a fresh-vvater Admirall, lying in the *Thames* under protection of the Block-houses, and relying upon Land- Souldiers to avve the Mariners from mutinying; a cloud arising in *Ireland* ready to break into a storme: upon these considerations, the Caball or close Iunto of Grandees thought fit to dally on the Treaty, the better to keep the *Prince* quiet, in expectation thereof, and gaine time to vvork upon his Sea-men, (already corrupted vvith vvant of vvork and pay) and to gull and pacifie the rest of the Members and people (not patient of a sharper remedy) untill *Oliver* had quite finished his Northerne vvorke, and marched neerer *Londen*, *Colchester* reduced, and the *Princes Fleet* retired to Harbour to avoid VVinter; and then to breake off the Treaty, and purge the House of those Members that sought peace by an accord vvith the *King*, under the notion of *the King's corrupt Party*; to blind their eyes therefore, the Speaker *Lenthall* (though at this time the Fore-man of *Olivers* shop) vvhen it vvas debated in the House, *VVhether a Treaty should be had with the King in the Isle of* VVight *upon the Propositions of Hampton-Court?* The Question much opposed, and at last put, the *Noes* and the *Yeas* vvere equall, 57. to 57. in so much that the Speakers voice vvas put in to turne the scales; he gave his voice in the *affirmative*, that time follovving his conscience against his Interest, and my Lord *Say* (openly in the House of Lords) said, *God forbid that any man should take advantage of this Victory to breake off the Treaty:* and the *Armies Scout*, from Tuesday *Novemb.* 14. to *Novemb.* 21. 1648. propounds three Riddles to the Reader, 1. *VVhy the Grandees of the Iunto that use to rule the Army are the most active Solicitors for an Agreement of the Parliament with His Majesty vvhen then the Army are Acting to the contrary?* 2. *VVhy His Majesty, stumbles onely at the matters wherein the Presbyterian Interest are concerned, when that Faction is the onely visible prop to His life, Crowne, Dignity, and dying interest?* 3. *VVhy the Souldiers Petitions for Iustice upon His Majesty were ill resented, and they thought vvorthy to be Tried by a Councell of VVarre, as Offendors, yet a Remonstrance vvas then framing by the Grandee Officers to the*

same purpose, and much more against the present Authority? and in this the Generall concurres.

6. New Instructions to *Hammond* in order to the Treaty, sect. 13.

The next thing taken into consideration in relation to the Treaty, was, the giving new Instructions to *Hammond* the Head-Goaler, how to demeane himselfe in the Treaty; which had formerly been Voted to be in the *Isle of Wight*, with *honour*, *freedome*, *and safety to His Majesty*: The Instructions were, 1. *That the King should enjoy the same liberty during this Treaty that He had at* Hampton-Court. 2. *That no person excepted out of mercy, none now Imprisoned by the Parliament, nor none now in actuall Armes against the Parliament should be admitted to come to the King* 3. *That no foraine Agent should make any Addresse to Him without leave of both Houses.* Against these Instructions it was argued, *That some of them contradicted the former Votes, That the King should Treat in Honour and Freedome, and that He should enjoy the same Liberty He had at* Hampton-Court, *which could not be so long as He was denied to correspond with other Princes His Allyes (with whom He Was in league and amity) by their Ambassadors and Agents, a Royalty inseperable from the Crowne, allowed Him at* Hampton-Court, *and to deny it was implicitely to dethrone Him.* To which was answered, *That this was true of a King in actuall exercise of his Regall power, which this King neither is, nor ought to be untill He hath given satisfaction to His Parliament: That it was a great condescention in them, and below the Dignity of a Parliament to recall their Votes of Non Addresse, and put the businesse of the Treaty thus forward; and if He would not accept of a Treaty upon such conditions as the Parliament thought fit, then things would be but where they were.* The peaceable moderate Party perceiving what operation the Schotish Victory had already upon the fancies of those hot-headed Men, Knew they must speake mannerly and modestly for feare of correction, and must take what they could, since they could not have what they would. 4. *That the King should give His Royall word not to remove out of the Island during the Treaty, nor in 20. daies after, without consent of the two Houses*: this was to make his chaines a linke or two longer, yet the King did give His Royall word accordingly.

7. The Earle of *Warwicks* Letter to *Derby-ho:* complaining of the Sea-men.

Thursday, *Aug.* 24. a Letter came to the Committee of Safety at *Derby-house* from the Earle of *Warwicke*, complaining of the perverseness

perverſneſſe of his ovvne Sea-men, and that thoſe vvith the *Prince* vvould not yet ſtoop to the Gods of Gold, (his ovvne vvords) *That ſome other vvay muſt be thought of beſides force to undermine the Prince, that ſince they had ſubdued their Enemies by Land, it vvould be a good preparative to vvorke upon their Enemies by Sea vvith the ſame Engine.* You ſee theſe Saints having gotten the publique Purſe into their hands, are (at the peoples coſts and charges) bountifull Corrupters of other mens faith, having none of their ovvne.

8. A Committee to make effectuall the Sale of Biſhops-Lands; and cajole the City.

About this time a nevv kind of pick-lock vvas invented to open the iron Cheſts and Counter Boards of the City; and invite them to throvv more money after that they had caſt avvay already in purchaſe of Biſhops Lands; namely, *a Committee to conſider of a vvay to ſecure unto the Purchaſers the Money they had already diſburſed upon the ſaid Lands; and to remove all impediments in the Sale for time to come.* To vvhich Col. *Harvey* ſaid, *That he had experience in the late defection of the City; that the Men moſt backvvards in the Parliaments ſervice, vvere ſuch of the Preſbyterians as had no engagement upon Biſhops Lands; vvhereas others of the ſame Party that have intereſt in the ſame Lands, are as forvvard as any the beſt affected.* Here you ſee vvhat it is that chaines the affections of the Cite to this Parliament, and vvhat it is that divides them amongſt themſelves; ſelf-reſpects makes them run along blind fold vvith the Grandees in any deſigne or faction. A good bargaine makes a bad Man; *Harvey* needs no other preſident but himſelf, nor no more viſible monument then his exceeding cheap bargaine of *Fulham-houſe* and *Manour*, vvhich hath changed him from a furious *Preſbyter*, to a Bedlam *Independent*.

9. A Commiſſion into the North to enquire what dammages they have ſuſtained by the Scotiſh Invaſion.

About this time it vvas Ordered, *That Commiſſions ſhould be iſſued forth into the Northerne Counties, to enquire vvhat Damages they have anny vvaies ſuſtained by* Hamilton's *Invaſion*? This device vvas of a tvvofold uſe, 1. *To cut off the Scots demands for Mony due to them for their laſt Brotherly aſſiſtance, and otherwiſe.* 2. *To cajole the poore Country into a beliefe they ſhall have reparations againſt the Scots, and raiſe them into a clamorous complaint againſt the Scots; and at laſt a deadly feude vvhen they ſhall find their hopes denied by them and diſappointed.* In the meane time they are patiently eaten up vvith Taxes and Free-quarter, and vvhile they looke for vvhat

they shall never have, they lose what they have already; This was the much applauded invention of Master *St. Johns* of *Lincolns-Inne.*

10. *Colchester* surrendred, with the sequele thereof.

About this time the newes of the Surrender of *Colchester* inflamed the Antimonarchicall faction from a Feaver to a frantick Calenture. They yeilded *to mercy*, and within 4 hovvers after Sir *Charles Lucas* and Sir *George Lisle* (for the better explanation what Independent mercy is) were *shot to death*; some attribute it to an *old quarrell* betweene him and Generall *Fairfax*, others think it was done to put an *affront* upon the King and the Treaty: Colonel *Farre* was likewise condemned by the Councell of Warre at the same time, but is reprieved as a witnesse against the Earle of *Warwicke* when time serves; for when *Warwicke* long since waited at the Commons Dore with some Ladies to petition for a Reprieve for the Earle of *Holland*, a Souldier of the Guard insolently told him, *He had more need petition for himselfe.*

11. Instructions for the Commissioners to Treat with his Majesty.

Instructions for the Commissioners to Treat were Debated: The Independents propounded, *that those Propositions that were most advantagious to the Parliament should be first debated, and if the King did not confirme them all, the Treaty to breake off*: But it was held unreasonable in any Treaty, *that one Party should bind himselfe before the Conclusion, and leave the other at large, and himselfe in the lurch*; so it was Ordered, *They should be Treated of in order as they lay, and (according to His Majesties desire) nothing binding to either Party untill all was agreed of.* The next stumbling block cast in the way was, *that seeing 40 daies only were allowed for to Treat, that thy should limit how many daies (and no more) should be spent in Treating upon every severall Proposition*: But this was looked upon as a cavill to make void the Treaty, and so overruled; you see what use these men that gaine by Warre make of their Victories.

12. A Debate what Gentl: should be allowed to attend his Majesty in the Treaty.

The next thing debated was, *the List of such Gentlemen as were named to attend the King in this Treaty*: The moderate Party excepted against *Ashburnham* (a great man with *Cromwell*) and *Legge*, asbeing Prisoner to the Parliament: The Independents excepted Dr. *Shelden*, *Hammond* and *Oldsworth*, for the same reason; but the next day the Speaker moved, that *Legge* and *Ashburnham*

burnham might go to the King; and to satisfie such as had objected their Imprisonment against them, the Independents alleaged they were unduly imprisond, and moved, a Committee might be appointed to examine the cause of their Restraint: but the moderate alleaging the same reason for the said three *Doctors*, and making the same motion for them; there was no farther proceedings therein.

13. Master *Pryns* Speech in the House; proving the Kings concessions to be a groud for a setlement.

Thus farre I have briefly set downe the Preparations towards a Treaty; the Treaty it selfe betweene the King in the *Isle of Wight*, and the Parliaments Commissioners; their Reports of the Results to the Houses; and the Houses Debates and Votes upon them tooke up almost all the time untill the 6. *December*, 1648. (some few businesses of no great moment intervening) many imperfect and partiall Relations of them have been printed *cum Privilegio*; but Mr. *Will Pryn* in his excellent Speech made in the House of Commons, 4. *Decemb.* 1648, and since printed, hath set downe all the most materiall Arguments on both sides, with great candor and ingenuity, and hath confuted the Enemies to Peace and Accommodation: if strength of Reason can confute those men that follow onely thier owne Interests of power and profit, whose wills and lusts have alwaies been their owne lawes, and are now become the onely Lawes of this Conquered Kingdome: I love not *actum agire*, I referre my Reader therefore to his Speech, and will only trouble him with some Observations upon this Treaty.

14. The *Militia*, and Negative Voice. sect. 62, 63, 64, 106 and the Conclusions. 15, 16, 17.

I have said something of the *Militia*, and the Kings *Negative Voice*, in the 1. part of this History, especially in the *Conclusions* at the latter end; I will onely say that without them the King cannot be a Governing King, but abare Titular King, a picture, a shadow, because the protection of the People depens upon the power of the Sword; He cannot protect them and their Lawes with the Scabbard: The Authority of the Scepter followes the power of the Sword; wherefore to give away one, is to lose both; nor can the Subjects be any longer His Majesties Subjects, but Slaves to their fellow Subjects, when so many petty Kings (not authorized by any law of God or Man to protect the People) shall hold the Sword over their Heads, and distract them with different Opinions, disagree in Commands, according to the

the variety of their severall lusts, factions, and interests: how can the King according to his Coronation Oath and duty (to which God hath called him) Governe and protect his People, when he hath given away his Sword to a factious Parliament where one Party tyrannizeth over the other, and threatens the other with the longest Sword? how absurd and impossible it is for the Subject to expect protection from one hand, and to sweare and pay Alleigannce to another hand that hath divested it self of all power to protect them; let our Lawes, the practice of all Nations and times, and the judgement of the learnedst Politicians tell you, whose Maxime is, *Illa optima est Respublica ubi Princeps quàm maximum potest boni, & quàm minimum mali; Primò ne nova Tributo indicere, nova vectigalia constituere possit, inconsultâ Republicâ: Deinde legum condendarum anti quandarumque pœnes Rempublicam, non unum aliquem Magistratum esse debet potestas; nulla enim in re gravius peccatum admittitur, nusquam graviores turbæ minantur quàm hisce de rebus*; That is the best forme of Gouvernment, where the King can doe most good, and least evill: 1. Let Him be disabled to raise new Taxes, & lay on new Tribute. 2. Let Him not have the sole power to make or repeale Lawes, which ought to belong to the Common-wealth; not any one Magistrate; for no power is more hurtfull to the People, nor stirres more Commotions them these two: such is the Kingdome of *England*; the King hath neither the power of our purses, nor the changing of our Lawes in His hands, and if he give away his Sword, he will be such a King of clouts as can doe neither good nor evill, like *Rex Sacrificulis* at *Rome*, *ea summa potestas dicitur, quâ secundum Leges non est major neque par*; such was the Dictator at *Rome*, he had no equall there; *Papyp: cursor dictator*, ad judged to death his Generall of the Horse *Fabius*, for fighting against his command though prosperously; and rejected all appeale to the Senate and Tribunes of the People; yeilding at last onely to their prayers, with this saying, *Vicit tandem imperii majestas*: such is the King of *England*, the Common-wealth cannot compell him to grant a Pardon, or dispense justice or mercy as they please; the Oath of Supremacy calls Him *Supreme Governour in all Causes, over all Persons*; so doe all our Statutes, to whom in Parliament (which is his higheſt sphere of majestie) i

1. part. sect. 40, 41, 42.

these

the last appeale by VVrit of Error, vvho is, *Principium, caput & finis Parliamenti*, the beginning, head and end of the Parliament: and therefore he onely calls the Parliament, to advise vvith him, and dissolves it vvhen he is satisfied: He makes VVarre & Peace, and is Protector of the Lavves, and of all just Interests; onely the policy of the Lavv disables him to make, repeale, or alter Lavves, or raise Monies vvithout consent of both Houses by Bill passed; (vvhich is but an *Embrio* untill he quickens it by his Royall Assent) becaus this vvay the King may doe most hurt, and vvrong to his people, (as I have already said) it being the vvisdome of our Lavves to keep the Svvord in one hand, and the purse in another.

See the 1. pa of this Histor *Prolegomena*,

15. The 1. Propos tion for justi- fying the Par- liaments, and condemning His owne quarrell

The 1. proemiall Proposition for *justifying the Parliaments Cause and Quarrell*, and *condemning His owne Cause and Party*, vvas a bitter pill; but an earnest desire of peace svveetned it, and guilded it over, and invited him to svvallovv it vvithout chavving or ruminating upon it: but hovv deviliſh, unchristian, and illegall a use the Faction have made of this extorted confession, let God judge.

16. The Covenan endevoured t be put upon the King.

Their insisting upon it, *that the King should take the Convenant*, vvas an errour in Policy, vvhereof the rigid Presbyterians are guilty; they (supposing the King vvould take it at last) stood upon it, and intended thereby to joyne the King to their Interest and Party. The more subtile Independent knevv the King vvould not, nor could not take it; and therefore complied vvith the Presbyterians in obtruding it upon him, to breake off the Treaty: many things in the Covenant vvere vaine in the Person of His Majesty, as, *that He should sweare to maintain His owne Person, &c.* vvhich the lavv of nature binds him to vvithout an Oath, vvhichin this case is idle, and a prophaning of Gods name: some things in the Oath vvere contradictory to vvhat the Parliaments Propositions desired of him, as, *to maintaine His owne Authority in defence of Religon, Lawes, and Liberties*, vvhich vvas impossible for Him to doe unlesse he kept the *Militia* in his ovvne hands, and his *Negative Voice* also, vvhich that clause in the Bill of *Militia*, *That all Bills for leavying Forces should have the povver of Acts of Parliament, without the Royall Assent, &c.* vvould have deprived him of, by making their Ordinances Acts of Parliament in effect,

binding to the Persons and Estates of the People in an Arbitrary way, to their utter enslaving: *To sweare to Abolish Bishops, &c.* was against his Coronation Oath, *To sweare to extirpate Heresies, Schismes, &c.* is more then the Independents would permit; *To sweare to maintaine the Union between the two Nations*, which the Parliament declare already to be *broken by the Scots Invasion*, is vaine: besides, how unjust a thing was it to impose that Oath upon the King, when most Members of the Parliament, Army, and others, are left at large not to take it? The Parliaments Demands, *That the King should declare against the Marquesse of* Ormonds *proceedings to unite all the Interests of* Ireland *for the service of his Majesty*, was no part of the Propositions upon which the Treaty was begun, but a subsequent request upon an emergent occasion; and therefore I see no reason why the King should have given any Answer to it, but onely have held himselfe to the originall Propositions, yet he did Answer, *That the whole businesse of* Ireland *was included in the Treaty, and therefore a happy Agreement thereupon would set an end to all differences there*, which being voted *unsatisfactory*, and moved that *a new Declaration might be published against him*; the King was inforced to put a stand to the Marquesses proceedings by his Letter, to his great prejudice; yet these Declarers against him do now comply with *Owen Roe Oneale*, and have entertained *O Realy*, the Popes Irish-Vicar-generall in *England*, to negotiate for the Irish massacring Rebels with the Parliament: These things considered, prove what I find in our late King *Charles* the 1. most excellent Booke, Chap. 18. *That it is a Maxime to those that are Enemies to peace, to aske something which in Reason and Honour must be denied; that they might have some colour to refuse all the rest that is granted.* More observations upon this unlucky Treaty I will not trouble my Reader with, these being enough to shew the vanity of those Propositions; by these he may take a scantling of the rest, *ex pede Herculem.* I cannot but blame the indiscretion, if not the indisposition of those Commissioners who cavilled away so much time in the Treaty, untill *Cromwell* had done his worke in the North, and marched up to Towne to make the Treaty ineffectuall.

17. *Iones* complaines by Letters that *Ireland* was like to be lost.

About the latter end of *Octob.* 1648. Col. *Iones* sent whining Letters

Letters from *Dublin*, to the Steers-men at *Darby-house*; complaining that *all Ireland vvas like to unite and prosecute the Kings Interest*, and therefore he cried *for help*; but neither the said Committee, in their consultations, nor the Army in execution of vvhat vvas resolved could agree amongst themselves: the Engrossers and Monopolizers of Olygarchy into a fevv hands, desiring to make themselves a corporation of Tyrants, suspect an opposition from the Levellers; and vvould faine turne them out of the Kingdome, into *Ireland*, to seek their fortunes, and practice their Levelling Principles in a strange Land: The Levellers (more numerous in the Army, though lesse numerous in the said Committee) straine courtesie vvith their Betters, and vvould have them goe first; thinking the seeds of liberty and equality vvill prosper better in the soyle and ayre of *England*; VVhile they vvere disputing, if Marqueſſe *Ormond* had been acting (as he had been, had not the King been necessitated to retard him, by his said Letters, sent from the *Isle of VVight* during the Treaty) the King had recovered thatKingdome intirely to himselfe, vvhich had been of great advantage to him.

The 20. *Novemb.* 1648. Col. *Evvers*, vvith seven or eight Officers more, presented at the House of Commons Barre a thing called (by those that use to miscall things) *An humble Remonstrance of the Army*: it is founded upon these five Anarchicall Principles. 1. *That themselves and their faction onely* (vvhom they call exclusively, the VVel-affected; Godly, Honest Party, the Saints) *are the People of England*; all the rest but Philistins, Amorites, or (at the best) but Gibeonites. 2. *That their Interest onely is the publique Interest of the People.* 3. *That the People* (that is, themselves) *are the onely competent Iudges of the Peoples safety* (contrary to the Lavves and practice of all Nations, vvhich bestovv that prerogative onely upon the Supreme Magistrate) but it may be here lies hid another subsequent principle, *That they are the Supreme Magistrate, armed vvith Supreme Authority, as vvell as vvith their Svvords*; and hereupon, they as good as tell the House, *That if their supposed dangers be not removed, and those remedies vvhich they Remonstrate admitted, they shall make such appeale to God* (that is, their Svvord) *as formerly they have done.* 4. Principle is consequentiall to the 3. *That they may drive on their Designe* (upon pretence

18. The Remo of the Army he House o Commons Nov. 20, 16

of necessity, self-preservation, honest intentions, providence, or revelation) *against all Powers, Formes of Government, and Lawes what soever*, under colour of that much abused Maxime, *Salus Populi Suprema Lex esto*, the safety of the People is the Supreme Lavv; vvhich hath been the fruitfull Mother of many Rebellions in all Ages, to serve the corrupt ends of ambitious Persons; vvho usually fish in troubled vvaters to attaine to those ends vvhich they could never arrive at in setled Governments. This is a Principle, or nevv light discovered by Maior *Huntington*, *That it is lawfull to passe through any formes of Government, for accomplishment of their ends, and therefore either to purge the Houses and support the remaining Party by power everlastingly, or put a period to them by force*: and themselves imply as much in this Remonstrance, *p.* 45 saying, *It cannot be safe to accommodtae vvith the King, because if He returne, and this Parliament continue long and unlimited, He vvill make a Party amongst them; He hath bid faire for it among the Commons already, and the Lords are his ovvne out of Question; and therefore vve dare not trust the King amongst them.* Againe they say, *That if the King come in to the Parliament, He vvil be looked upon as the Repairer of breaches, Restorer of trade, peace, plenty, &c. and if the Army should keep up (as it must) upon Taxes, the Houses and Army vvill be looked upon as Oppressers; and the jealousies and discontents of the People be increased against them, and make them apt to joyne issue vvith the Kings interest, and may yeild us up a sacrifice to appease the King and his Party*; out of these vvords, and their ovvne practice, I conclude for them, *ergo*, They may carry on their designe upon necessity for self-preservation, against the Monarchicall Government, and Lavv of the Land, to *murder the* KING, as they have since done. Againe they say, *If the King vvere returned, each Party vvould strive first, and most to comply vvith Him, ergo*, there is a necessity to subvert the Kingdome and *murder the* KING. Behold vvhat use these covvardly Saints make of necessity, and self-preservation. 5. *That they may appeale to their Svvord against the Authority of any their Governours, in order to publique safety*; vvhich tvvo last conclusions set the dore vvide open to Faction and Rebellion; since the People are ever floating and given to change, and every turbulent ambitious Fellovv, is apt to raise them into a storme against their Governours, for

their

their fabulous assertions vvherevvith these Saints usually guild over their foule actions, 1. *That the Houses were free vvhen they passed the* 4. *Votes for Non-Addresses.* 2. *That they vvere not free vvhen they recalled them.* 3. *That the People vvere quiet and contented untill the recalling those* 4. *Votes; and aftervvards vvere unsetled, and presented clamorous Petitions.* 4. *That the Army did not apply themselves to the King untill he proffered Himselfe to them.* 5. *That vvhen they made Addresses to Him, it vvas but to prevent the Presbyterian Party.* But it appeares, their ayme (from the beginning) vvas to suppresse the Presbyterian, and advance their ovvne Party, and lay by the King, and domineer over Him and the Kingdome; for vvhen *Cromvvell* had brought his Designe to perfection, he said at *Kingston*, *That he vvas as fit to rule the Kingdome as Hollis.* 6. And then but hypocritically. All these are sufficiently confuted in my said *Animadversions*, and in the said Plea for the King and Kingdome, in *Putny Projects*, and in my *First part of the History of Independency.* After all this tedious stuffe aforesaid, they make Propositions to the Parliament of tvvo sorts, all founded upon the said five Antimonarchicall Principles; The first for *satisfying publique Iustice*, (that is, for the Hang-man to teach the Iudges vvho they shall Sentence to execution) 1. They demand, *the Person of the King may be brought to speedy Iustice*; this affront they put upon the Parliament vvhen they vvere neer conclusion of their Treaty vvith Him: vvhen He had already granted more to his Subjects than ever any King condescended to: this is through the sides of the King to give Monarchy, the fundamentall Government, and Lavves of this Land, and consequently the Liberty and Property of the People, their Deaths-vvond. By the lavv of God, nature, reason, and the Lavves of all Kingdomes impunity is an inseparable prerogative of Kings, as they are Supreme in their Dominions; the *Petition of Right*, 3. *Caroli*, Declares, *That they had no povver to hurt the Kings Prerogative*, much lesse (I thinke) to hurt his Person; the Lavves, are the Kings Lavves; Courts the Kings Courts; Iudges his Iudges; Great Seale, his Seale; the VVrits, the Kings VVrits;

Sect. 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 88, 89, 97, 98.

The Kings Supremacy; and from thence his indempnity proved.

See the Oathes of Allegiance, Supremacy. Stat of Recognition, 1 *Iac.* *Cokes* Institut. 5. 1. *Stamford's*

Pleas of the Crowne, l. 1 ch. 1, 2, Stat. 25. *Edvv.* 3, 42. *E.* 3. Read Mr. *Pryns Memento* to the unparliamentary Iunto, his Speech in the House of Commons, 4. Dec: p. 72, 73, 74, 75, 76, 77. and my 1. part, sect. 106. The Conclusions; sect. 17. and my Animadversions, p. 18.

the Iustice and Peace of the Land are his, consequently the VVars his VVarres; he is the fountaine of all Authority as vvell as of all Honour; *Thou shalt not speake ill of the Governour of the People*: therefore not accuse him. The King hath no Superior nor equall in *England*, contrary to that false distinction of the *Observator*, that he is, *Major singulis, minor universis.* VVhen *David* vvould have gone forth to Battle, his Army dissvvaded it, using these reasons, *If vve flee they vvill not care for us, neither if halfe of us die, vvill they care for us; But thou art vvorth ten thousand of us*: here you see the King is reckoned, *major universis*, more than all his Army; and yet that Army vvas (at that time) in effect, all the vvel-affected of the Land; and therefore (by the Anarchicall Principle aforesaid) the onely People of the Land; for further proofe hereof I appeale to all our Lavvs and Statutes, hovv vvill they Trie him? vvho shall Iudge him? vvho are his Peeres, that he may be Legally Tryed like a Freeborne man (for sure they cannot deny him that right) according to *Magna Charta*, *per legale iudicium parium suorum?* It is a grounded Maxime in our Lavves, *The King can doe no vvrong*; vvherefore then vvill they Trie Him, for doing no vvrong? The policy and civility therefore of our Lavves, (and of our Parliament too, in all their Declarations, Remonstrances, so long as they continued (in any state or degree of innocency) alvvaies accused his Evill Counsellours and Ministers, and freed Himselfe, lest they gave advantages to ambitious men, *Absolon-like*, to scandalize and dishonour him, and render him lovv and vilde in the eyes of the People; to the disturbance of the peace of the King and Kingdoms, and shaking of the Royall Throne vvhich is alvvaies accompanied vvith an earth-quake of the vvhole Land. * Saint *Peter* bids us, *Submit to every ordinance of man for the Lords sake, vvhether it be to the King as supreme, or unto Governours, as those that are sent by him.* diecein *Abel* to *Cain*: *Eve* to *Adam*. If a people chuse a King, it is the act of every particular man, of vvhom the Commonalty consists; and each individuall, nor the whole Commonalty can give him more power then himselfe hath. But no man hath power over his owne life, neither arbitrarily, nor judicially; but onely over his liberty, which he may so give away, as to make himselfe a subject, or a slave, this makes him so chosen a Ruler. or Protector of them, who have parted with their liberty, and subjected to him; and then God, (who only hath power of life & death) invests the King with power to be the Minister of God, to execute vengeance, not bearing the Sword in vain, *Rom.* 13. See Dr. *Hammonds* Letter to the L. *Fairfax*, *Ian.* 5. 1648.

* 1. Pet. 2. 13. Here the King is called *Supreme*, not *the People*; and though said to be an ordinance of man in some respects, yet *S. Paul*, *Rom* 13. saith, He is ordain'd of God: 2. Governours are distinguished, the King is Supreme, and Governors are sent by him, & his Commission. Besides it appears, *Gen.* 3. 16. & 4. 7. God gave not to all men that freedome which is supposed the foundation of supremacy, in the people; He made them not masters of their own liberty, for even then he laid the foundations of obe-

As free, and not using your liberty for a cloake of malitiousnesse, but *Feare God, Honour the King*: But these rebellious Saints abusing Christian liberty for a cloake of malitiousnesse, will (according to their 4th Antimonarchicall Principle) make the giddy, ignorant, tumultuous, many-headed multitude Iudges of their King, and make the confused Rabble his Superiours, thereby setting up two Superiours one contradictory to the other, and so turn the Kingly Government into a popular Military Government, abolish our Lawes, and leave all to the power of the Sword in an Arbitrary way, to carry on their designe: to which purpose they have lately caused their Iourney-men, the present House of Commons, to Vote, (contrary to our knowne Lawes) *That the Supreme Authority of this Nation is in the People of England*, and therefore in themselves as their Representative. This is a 6. Anarchicall Principle of the Army and their Party, who wanting reason to prove it, assert it by the Authority of their Mock-Parliament, and must now make it good by the Sword to justifie their proceedings against the King and People. These popular principles are meer empty notions, whereby the Grandees draw the Supreme Authority thorow the People to themselves, the better to enslave them; for the liberty of the Commons doth not consist in a licentiousnesse to interrupt the Government of their Superiours, and change the Government according to their fancies; but the liberty of the People consists in enjoying the fruits of their labours, their goods, possessions, estates, and their personall liberty, according to the knowne Lawes of the Land. When *Harry Martyn* in *Berksh:* forbade the People *to stand bare at the Sessions, and doe homage and fealty to their Lords*; he gulled them, and gave them that which was not their due, to rob them of that which was their due; their Horses, Goods, Money, plundered from them, for service of the State (forsooth) and beat them that defended their owne; so that while he flattered them to be the supreme Authority and Lords Paramount, and the Parliament to be their Servants; he used them like Slaves conquered by the Parliament. Besides, it is not all the People, nor the thousandth part of them, but a few covetous, ambitious men, that desire to bring the King to capitall punishment, and subvert our fundamentall Government and Lawes, that have usurped the

power

povver of the Kingdome into the hands of their Faction, and novv require this to keep themselves from being called to account. The second demand tends to Dis-inherit his Posterity, viz. *That the Prince and Duke of* Yorke *come in by a day appointed, and acquite themselves of their capitall Delinquency, or else to be Declared incapable of Government, and to die without mercy, if afterwards found in the Kingdome*; this Summons is but to insinuate their guilt; if they refuse to appeare, as reason tells us they must and vvill. This is to shut the dore after Monarchy, and keep it out for ever; in farther pursuance, they demand *the Revenue of the Crowne* to continue still in Hucksters hands to pay *publique Debts*, and repaire the Losses of the People, (that is) themselves: The second sort of Propositions are, for setling of the Kingdome upon their ovvne Grounds and Interest, *That a certaine period be set to this Parliament, by which time the Supreme trust in them may returne unto the People*: that is, still to themselves and their Faction, the nevv erected Committee of State, the *hogen mogens* at *VVhite-hall*. Thus you see having removed out of the vvay the King, the first and most visible legall Authority; they vvil novv put dovvne the Parliament, the second visible Authority of *England*, vvho are novv the onely Bulvvarke against the Tyranny of the Svvord, and then (as Major *VVhite* said at *Putney* long since) there vvil be no visible Authority left in *England* but the povver of the Svvord, vvich vvil introduce a nevv Parliament, or rather fantasticall nevv invented Representative (destructive to Parliaments) all of their ovvne Creatures; as appeares by their next Proposition, concerning succession of Parliaments. 2. *That none shall be capable of Electing, or being Elected, that have engaged against the publique Interest*, (that is, the Interest of them and their Party, as appeares by their 5. Anarchicall Principles in the beginning of this Paragraph) *nor any that oppose this Agreement*: By vvhat Authority (but the arbitrary svvay of the Svvord) shall Freemen be Disfranchised, and lose their Birth-rights for not changing the fundamentals of Parliaments, Government, and Lavv, and

This is so exdlained by the *Moderate* (one of the ruling Pen-men of the faction who hath a large share in the 500. or 600l. a-

yeare allowed to these Pamphletiers, for divulging State-lies and slanders amongst the People) who from *Novemb.* 14. to *Novemb.* 21. 1648.) Number 19.) defineth the People of *England* to be onely such as have not engaged for the King; and such as shal signe to the Agreement of the People, vvhich is to be above Law; and all the rest are to be Disfranchised.

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yeilding them up to the luſts of an Army of Rebels, that bragge they have Conquered the Kingdome, and vve are their Slaves? 3, *That Elections may be ſo diſtributed, as to render the Houſe of Commons a Repreſenttative of the vvhole People*, (that is, tagge and ragge and Canting Beggers, vvho have nothing to give or loſe, as vvell as Free-holders) ſo farevvel VVrits of Summons, and all orderly, legall formes; if all men, vvithout any diſtinction, may Elect, and be Elected, all vvill fall into confuſion; the Rabble vvill never agree, all things vvill tend to Riots and Tumults; ſo that the better and ſoberer ſort vvill, and muſt forbeare, and leave all in the hands of the Raſcallity, and at laſt no Repreſentative vvill be choſen, or ſuch an one as the People vvill be aſhamed to ovvne, and vvill deſert them, and leave them to be ordered at the pleaſure of the Army. 4. Prop. *That our Kings hereafter may be Elective, and diſclaime a Negative Voice*: hovv frequent Civill VVarres are in all Elective Kingdomes during the *interregnum*, or ſpace betvveen the death of the old, and choice of the nevv King, hovv obnoxious to the Souldiery, let the old Emperours of *Rome*, thoſe later of *Germany*, the Kingdome of *Poland* and heretofore *Bohemia* and *Hungary* tell, all Hiſtories are full of examples; yet if our Elective Kings ſhall have neither the *Militia*, nor a *Negative Voice* in Councels, and the *Crovvne Revenues* be othervviſe diſpoſed of (as is inferred) and their Heads expoſed to the humours of the People, or their Repreſentative, the Office vvil be ſo unvvorthy of any vviſe man, that I do by theſe preſents freely give my voice to the Lord *Fairfax*, and ſo unfit for any honeſt Gentleman; that I doe hereby give my voice to *Cromvvell* the perfidious Brevver; catch vvho catch can, let them agree amongſt themſelves, I care not vvhich of the tvvo ſhal be ſet up for the nevv States Scar crovv. This *Remonſtrance* vvas about a VVeek after ſeconded vvith a moſt inſolent threatning *Declaration*, compoſed altogether to terror; it vvas occaſioned as follovveth. About the latter end of *November*, the Parliament vvas informed the Army vvas upon their march to *London*, vvhereupon (not vvithout great oppoſition by the Armies Party in the Houſe, and vvith great caution it ſhould be mannerly phraſed for feare of angring his inſolency) a Letter vvas Voted to be ſent the Generall, forbidding his neerer approach. In comtempt vvhere of

the Army immediatly printed the said *Declaration*, accusing the Parliament of *Breach of Trust*, *Lightnesse*, *Inconstancy*, *Indiscretion*, saying, *They would appeale from them to the People* (that is, still themselves; you see they hold one and the same Rod over King and Parliament) and threatning *to advance presently to VVestminster, to doe what God should enable them unto*: The same night they came to *Hyde* Parke corner, and kept Guards there: Hereupon it vvas put to the Question, *That the Armies approach was prejudiciall to the freedome of Parliament*? but through the covvardice of some, vvhose hearts novv began to melt, and the impudent restlesse bavvling of those cheating Saints, that comply vvith the Army to keep themselves from giving Accounts, it passed in the Negative.

19. The Kings Concessions debated; and young S. *Hen: Vanes* insolency.

Decemb. 2. The Kings Answver vvas debated; and as a prologue to it, young Sir *Henry Vane* (a VVhelpe of the old Curre) spake thus, *Mr. Speaker, By this Debate we shall know who are our Friends, and who are our Foes; or to speake more plainly, VVe shall discover who are the Kings Party in the House, and who the Peoples*: To vvhich vvas Answvered, *That since this Gentleman was so bold, to deale thus by way of prevention, in a threatning manner; and had forejudged and divided the House into two parts: I hope it is as lawfull for me (who am no Grandee, nor no Gainer by our troubles) to put you in mind of another Division of the House. Sir, you will find some desirous of peace, and they are Losers by the VVarre; Others are against peace, and those are Gainers by the VVarre: My humble motion is, that the Gainers may contribute to the Losers, that we may all stand upon equall feet; for, till then, the Ballance of the Commonwealth will never stand right towards a Setlement.* True jests bite sore. He and his Syre oppose peace: lest the Kings Revenue being restored, they should lose a good Trade there: the old Dogge is Chair-man of that Committee; the young one is a principall Publican or Treasurer; they get constantly above 6000l. *per annum*, betvveen them; besides private cheats by paying halfe Debts, and taking Acquittances for the vvhole; and then discounting for the vvhole; buying in old sleeping Pensions for trifles, that have not been payed in many yeares, and paying themselves all Arreares, *Cornelius Holland* is Servant to them both, and hath gotten as much vvealth as makes him savvcy enough

nough to hire *William Lilly*, and other Pamphletiers to derive his Pedigree from *John Holland* Duke of *Exeter*, although it be knowne he was originally a Link-boy, but he is now one of the New Lights, an illuminated Brother. Master *Pryn* moved the debate of the Kings Answer might be laid aside untill it was a free Parliament not environed by the Army: but (said *M. Rich*: *Norton*) *Take heed what you say against the Army, for they are resolved to have a free Parliament to Debate the Kings Answer, if we refuse.*

This day the Generall tooke possession of *White Hall* for his Quarters, as if he meant to keep out the King in defiance of the Treaty: he brought to Towne with him foure Foot Regiments, and six Regiments of Horse; part whereof quartered at *White-Hall*, the rest in *Torke House*, and other great Houses; the Horse turned the Reformado Horse Guards that attended the Houses, and lodged in the *Mewes* by their order, out of their Quarters, without applying themselves to the Houses.

20. The Generall Garrisons *White-hall* & the *Mewes* upon his owne head.

Upon Monday, *Decemb.* 4. News came to the House that *by severall Orders from the Generall, His Majesty was seized in His Bed-chamber, and hurried away Prisoner to* Hurst Castle, *a Block-house out of the* Isle of Wight, *standing about a mile and halfe in the Sea, upon a Beache full of mud, and stinking oaze upon low tydes; having no fresh water within two or three miles of it, bitter cold, and of a foggy and pestilent ayre, so noysome that the Guards thereof are not able to endure it long without shifting their Quarter.* This was a torment beyond Pistoll and Poyson, many spake against the insolency of this fact, as being committed against the life of the King, and against the honour and publique faith of the Parliament, who had Voted, *He should Treat in Honour, Freedome and Safety, in Newport in the Isle of Wight*; and had accepted His Royall Word *not to withdraw out of the Island during the Treaty, nor in 20. daies after*; (which were not yet expired) and now to have the Houses debates & results fore-stalled, and the Treaty made frustrate by such an act of violence and prevention committed upon the Person of the King, was a presumptuous and rebellious act: It was moved therefore *that it might be Declared, That his Majesty was removed out of the* Isle of Wight *by his Excellencies Warrant, without the consent or privity of the House*: But

21. The House informed that the King was surprized by the Army, and carried Prisoner to *Hurst Castle.*

thoſe Members that Idolize that Bell and the Dragon, *the Army*, and are but Prieſts fatting themſelves upon the Sacrifices of that Image; inſiſted upon it to have tvvo vvords amended in the Queſtion, 1. The vvord [*Declare*] vvould be conſtrued to be a Declaring againſt the Generall and Army: 2. The vvord [*Conſent*] to be left out, leſt it argued a diſagreement in opinion and practice betvveen the Army and the Houſe, as if the Houſe diſſented from it. And certainly thoſe Gentlemen that ſtood upon theſe nicities, could not ſay, it vvas done vvith their conſent, for it vvas hatched in the Iunto; ſo it vvas barely voted, *To be done vvithout privity of the Houſe*, nevertheleſſe.

22. The Debate upon the Kings Anſwers reſumed.

The ſame day, they reſolved to reſume their laſt Saturdaies debate upon the Kings Anſvvers to the Propoſitions of both Houſes; The firſt Queſtion debated vvas, *VVhether they were ſatisfactory or no?* The Army Party argued, *They were not ſatisfactory, becauſe the King had not granted all their Propoſitions in Terminis*: To this vvas Anſvvered, *That theſe Propoſitions were not ſent to His Majeſty as Bills to be paſſed in Terminis, without debate; but as Propoſitions to be perſonlly Treated upon*, (as the Votes of both Houſes, and the Inſtructions of their Gommiſſioners prove) novv it is againſt the nature of all Treaties Perſonall, to tie up the Parties of either ſide ſo preciſely, that they ſhall have no liberty to vary in any circumſtance or particular; ſo that if all be not preciſely granted, the Condeſcentions ſhall not be ſatisfactory, though all juſt things are yeilded to; as appeares by all Treaties betvveen Nation and Nation vvhere their firſt demands are never fully granted, but alvvaies qualified and limited, if not diminiſhed; the rule being, *Iniquum petas ut juſtum feras*; ſo in all Treaties betvveen Enemies, Party and Party; ſee Mr. *Pryn's* ſaid Speech, *Decemb.* 4. 1648. vvhere to avoid cavils, he vvaves this equivocall Queſtion, and propunds the Queſtion anevv in theſe tearmes, *VVhether the Kings finall Anſwers to the Propoſitions of both Houſes in this Treaty, conſidered all together, be not ſo full and ſatisfactory in themſelves, that this Houſe may, and ought accept of, and proceed upon them for the ſpeedy ſetlement of a ſafe and vvell-grounded Peace both in Church and Cowmon-wealth, rather than reject them as unſatisfactory, and ſo hazard the loſſe of all, and the perpetuating of our VVars and miſeries?* This he held in the Affirmative, vvith ſo many

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strong and solid Reasons, Arguments, and Presidents both out of Divinity, Lavv, History, and policy; and vvith so cleare a confutation of the opposite Arguments, that no man tooke up the Bucklers against him to refute him: the Arguments are too many, and too long to be here repeated. Nor doe I love to abridge that vvhich hath little or nothing in it superfluous; or to make that short-lined by epitomizing it (such is the lazinesse of men to preferre Epitomies before Large vvorks) vvhich I desire should be long-lined, and passe through many hands: This Debate lasted untill Tuesday morning, 5. *Decemb.* eight of the clock (the Independents hoping to tyre out and frigh avvay the moderate men) and then it vvas Resolved upon the Question (notvvithstanding the terrors and menaces of the Army) *That the Answvers of the King to the Propositions of both Houses, are a ground for the Houses to Proceed upon, for the setlement of the peace of the Kingdome*; It vvas carried Affirmatively by 140 Voices, against 104. that this Question should be put, and the Question it selfe vvas carried cleerly Affirmative vvithout deviding the House: presently after this House appointed a Committee of 6. Members to attend the Generall, to conferre vvith him and his Officers, and keep a good correspondency betvveen the House and the Army; vvho had so much surly pride, and so little manners, as to give them leave to take a nap of three or foure hovvers long (after their Nightsvvatching) before admittance, and at last dismissed them vvith this churlish Answver, *That the way to correspond, was to comply with the Armies Remonstrance*: The House adjourned untill VVednesday following.

VVednesday, *Decemb. 6.* 1648. The Saints militant being enraged that the House had recovered so much courage & honesty as to Vote according to their Consciences, and neglect their vvild Remonstrance and threatning Declaration, (after some private conference in the morning betvveen *Pride*, *Hewson*, & other Officers, and the Speaker in *VVestminster-hall* vvith the dores shut) they sent to the House of Commons a Paper, requiring *that the Impeached Members and M. G.* Brovvne, (vvho they belied to have called in Hamilton) *might be secured & brought to justice*; *and that the 90. and odde Members who refused to Vote against the late Scotish Engagement, and all that Voted for recalling the 4. Votes for Non-Addresses,*

23. The Armies treasonable violence upon the House in securing and secluding the Members.

dresses, and Voted for a Treaty, and concurred in Yesterdaies Vote, [*That the Kings Concessions were a Ground for the House to proceed to a Setlement :*] *may be immediately suspend the House, and that all such faithfull Members who are innocent of these Votes would by Protestation acquit themselves from any concurrence in them, that they may be distinguished:* This is to subvert the foundation of Parliaments, and appeale to the judgement of the many-headed multitude vvithout dores, and put all into Tumults. You see vvhat kind of Parliament the Kingdome hath had ever since the Army Rebelled and Refused to Disband; a meer Free-schoole, vvhere *Cromwell* is Head-school-master, *Ireton* Vsher, and (that cypher) *Fairfax* a Prepositor; surely these men are either the supreme Iudges, or the supreme Rebels and Tyrants of the Kingdome: This Paper vvas delivered in, but they scorning to stay for an Answver, (by advice of their Independent Grandees of the Iunto) upon VVednesday morning, *Decemb.* 6. 1648. Sent tvvo or three Regiments of Horse and Foot to *VVestminster*, set strong Guards at the Houses dores, the *Lobby* staires, and at every dore leading tovvards the House, admitting none but Parliament men to enter *VVestminster-hall*, vvhere Col. *Pride*, Col. *Hewson*, and *Hardres waller* (sometimes a Cavalier, then a violent Presbyterian, and novv a tyrannicall Independent) violently seized upon divers Knights and Burgesses upon the Parliament staires and elsvvhere going to the House, and forcibly carried them avvay Prisoners to the Queens Court vvithout any vvarrant shevved, or cause assigned; and there set strict Guards upon them, *M. Edward Stephens* and Col. *Birche* being in the House of Commons vvere called forth by feigned Messages sent in by some Officers under other Mens Names, and there violently pulled out of the dore, though they called to the Speaker to take notice of the force: The House sent the Sergeant of the Mace to command the Imprisoned Members attendance; but the Guards vvould not let them come. A second time the Sergeant vvas sent vvith his Mace upon the same Errand, but Col. *Pride* in the *Lobby* vvould not let him passe: vvhich contempt vvas entred in the *Iournall Booke*. Hereupon the House concluded not to proceed in busines untill their Members vvere restored; and sent to the Generall about it: yet afterwards vvhen the Officers had severall dayes secured, secluded,

and

and frighted avvay more of the Members; and made the House a Conventicle of their ovvne complexion, then the House prevaricated and deserted their Members: About three of the clock afternoone *Hugh Peters* vvith a Svvord by his side, (but not the svvord of Saint *Peter*) came into the Queens Court to take a List of the Prisoners Names by order from the Generall (as he said) vvhere being demanded *by vvhat Authority they were Imprisoned?* he Answvered, *By the power of the Sword:* Night being come, the Imprisoned Members (41. in number) vvere conveyed avvay to a Victualling House called HELL, and there kept all Night vvithout Beds, or any fitting accommodation; vvhen it grevv late some of them had offers made them to go upon their Parolls to their ovvne Lodgings, and to appeare the next morning at *VVhite-hall*; but this vvas but a jugling trick to make them acknovvledge the Lord *Fairfax* Authority, and become voluntary Prisoners upon their ovvne engagement; and vvas therefore refused. The next morning being Thursday, the Imprisoned Members had vvarning given them *to meet the Generall and his Councell of VVarre at VVhitehall*, vvhither they vvere Guarded in Coaches, tyred out vvith vvatching and fasting: But the mechanick Councel took so much state upon them, that after six or seven hovvers attendance untill darke night, and no admittance nor application to them; they vvere led avvay from thence on foot vvith Guards of Musketiers like Thieves and Rogues, and thorovv the kennels like Col. *Prides* Dray-horses, to the *Swan* and *Kings-head*, tvvo Innes in the *Strand*, and there distributed under severall Centinels: The Souldiers making a stand vvith them sometimes halfe an hovver together in the snovv and raine untill they had put their Guards into a marching posture; and reviling them, *that they were the men that had cousened the State of their money, and kept back their Pay:* Vpon vvhich scandalous provocation, some of them Answvered, *That it was the Committee of the Army, and their ovvne Officers that had cousened them:* vvhich some of the Foot-Souldiers then acknovvledged. Besides the 41. Imprisoned Members, the Officers standing severall daies vvith Lists of Names in their hands at the Parliament dore, have turned back from the House, and denied entrance unto above 160. other Members, besides 40. or 50. Members vvho voluntarily vvithdrevv to avoid their violence, all

See the 2. part of *Englands* Chaines discovered; and the Hunting of the Foxes, &c.

vvhom

vvhom they knovv to be Losers by the VVarre, and therefore desirous of a safe and vvel-grounded peace; so that they have made vvarre against the majority of the House, (that is) against the vvhole House; for, *major pars obtinet rationem totius*, by all our Lavves and Customes, *The major part of the House is virtually the whole House*; vvhich is Treason by their ovvne Declarations and Remonstrance farre higher than that vvhereof they accuse the King, and for vvhich they demand Iustice against Him: and the remaining faction of 40. or 50. engaged Members vvho novv passe unprecidented Acts of Parliament of the House of Commons (as they call them (vvithout the Lords, ought not to sit, Act, nor take upon them the stile of a *House* under so visible, actuall, and horrid a force, both by the Lavves of the Land, and their ovvne Ordinance, passed *August 20. 1647. To null and void all Orders, Votes, and Acts passed under the Tumult of Apprentices, from July 26. to the 6. August following*; and yet the said Tumult ended the said *July 26.* vvhen it begun. See the said Ordinance herevvith printed. The Army (vvho novv acknovvledge no povver but *that of the Svvord* (as Major *VVhite* long since foretold at *Putney*) and vvhose principle it is, *To break the Powers of the Earth to pieces*, as *VVilliam Sedgewicke* in his *Iustice upon the Army Remonstrance*, saith: *And who* (as *Ioh: Lilburne* in his *Plea for Common Right, p. 6.* saith) *have by these extraordinary proceedings overturned all the visible supreme Authority of this Nation, now suffer onely their owne Party of 40. or 50. Members to sit, and doe journey worke under them, who are Enemies to peace and have got well by fishing in troubled waters, and hope to get better*; so that hardly a seventh or eighth part of the Counties, Cities, and Burroughs that ought to have Members sitting, have any body to represent them, and therefore hovv they shall be bound by the Votes and Acts of this fagge end, this Rump of a Parliament vvith corrupt Maggots in it, I doe not see. Friday, *Decemb.* 8. a Message from the Generall vvas brought to Sir *Robert Harlow* that he might go home to his house, giving his engagement not to oppose the actings and proceedings of this present Parliament and Army: The like vvas offered to divers others: you see hereby vvhat the offence of these Imprisoned Members is, *onely a feare that they will defend the fundamentall Government, the Religion, Lawes, and Liberties of the Land, the Kings Person and Authority, and the being of Parliaments;*

liaments; against the Tyrannicall and Treasonable practices of the Army and their House of Commons.

The small remnant of the House of Commons sent sundry times to the Generall to knovv *why he Imprisoned their Members, and humbly to beseech him to set them at liberty if he had nothing against them:* But all this vvas but prevarication and false shevves: for, 1. Their base and conditionall vvay of demanding their Liberty [*if he had nothing against them*] implies an acknovvledgement of the Generalls jurisdiction and conusance over them, and an invitation of him to accuse them. 2. Their sitting and acting under so brutish a force before their Members righted, or the honour of the House vindicated, is a deserting and yeilding up of their Membres & honour. 3. Their Voting an approbation of the matter of the Generall Officers scandalous and jugling Answver to their said Demands concerning the secured and secluded Membres (as afterwards they did) vvithout hearing vvhat the said Members could say for themselves, is cleerly a forejudging and betraying them: 4. Their late Votes, *That no man shall peruse their Iournall Booke of Orders, &c. without speciall leave:* is purposely done to barre the said Membres vvho cannot make any perfect Answver in confutation of the Scandals cast upon them by the Generall Councels printed Libell against them, vvithout having recourse to the said Booke, *to see what Votes passed for Ireland, for the* 200000l. and other matters. To say nothing hovv unusuall and unjust it is to keep the Records of the House from the vievv and knovvledge of any man, and yet to expect their obedience to them. 5. Their exceeding strict and severe prohibiting the printing any Books not Licenced, and imploying Souldiers to Search all Printing Houses dayly, is done in ordre to barre the said accused Members from publishing an Answver in their justification. 6. Their Summoning Mr. *Pryn* by ordre *to appeare at the Commons Barre*, knovving him to be still a Prisoner to the Army; shevves, that the Army and they serve each others turnes against them. 7. And Lastly, the Declaration of the present House of Commons, dated *Ian. 15.* 1648. is nothing but an eccho of the said Answver of the Generall Councell, against the said secured and secluded Members. They that are so vvickedly industrious to destroy these Gentlemens credits, doe this as a

24. Reasons, proving that the remaining faction or Iunto sitting under the force of the Army, were consenting to the securing & secluding their Members, sect. 134, 135.

preparative to destroy their Persons, and seize upon their Estates, for the maintenance of a new VVarre, (which they foresee their violent courses will bring upon them) and for the farther inriching of themselves, and establishing their Tyranny, which they miscall, *The Liberty of the People.* This violent purge wrought so strongly upon the House, and brought it to that weakness, that ever since it is eleven or twelve of the clock before they can get forty Members together to make a House, of which number they sometimes faile: one time the Members would have had the Speaker go on upon businesses with a lesse number than forty; but he knowing all so done to be illegall and void, refused; and yet (to piece up the House) they permit Mr. *Blagrave*, Mr. *Frye*, and *Humphry Edwards* to sit as Members, notwithstanding their Elections are Voted *void* by the Committee of Elections: and one day an Officer of the Army having taken some Members going to the House, and secured them in the Tobacco Roome, under Guard; The Speaker not being able to muster enough to make a House, was faine to send to the said Officer, to lend him his said Prisoners to make up a Free Parliament: This disgrace put upon the Imprisoned Members is purposely intended as an Invitation to all their Enemies to come in and accuse them; nay, it can be proved that meanes hath been used to suborne VVitnesses against them: besides which, the faction have made a strict inquisition into their lives and conversations, and have hitherto met with nothing.

25. The day after the House purged, in comes Dr. *Cromwell* & *Hen: Martyn* his Apothecary.

Thus the House being throughly purged, the next day in comes the Doctor *Oliver Cromwell* out of the Country, bringing in under his protection that sanctified Member *Henry Martyn*, who had spent much time in plundering the Country, had often baffled the House, and disobeyed many of their Orders; sufficient to have made an honest man a Malignant liable to Sequestration: But *great is the priviledge of the Saints.* It fortuned that day the case of the secured Members was reported to the House, which *Harry* interrupting, desired them *to take into consideration the deserts of the Lieutenant Generall*: which with all slavish diligence was presently done. And the Speaker moved, *that to morrow might be a day of Humaliation to be kept in the House, to humble the Spirits of the Godly*, much overleavened with *the Scotish Victory.*

That

That you may the better understand hovv farre they meane to be humbled, *Hugh Peters* the Pulpit-Buffon vvas one of their Chaplaines, vvho in stead of delivering the Oracles of God, delivered the Oracles of the Councell of VVarre to them, talking obscurely of Accommodation and Moderation, and advising them to adjourne till Monday or Tuesday (I think) that the Army might cut out vvork for these Iourney-men of theirs; and might vvorke their vvills upon the City in the meane time, vvhen no House should be sitting for the Citizens to addresse their Complaints to; for in the interim they Garrisoned *Black Fryars*, and S. *Pauls*, reforming it, from the Church of God, to a Den of Thieves; Stable of Horses, and Brothell of VVhores, and Robbed diverse Halls in *London* of vast summes of money by the prerogative royall of the Saints.

The 11. day of *Decemb.* 1648. the said secured Members published a printed Paper, as followeth:

26. A Declarati of the se ur and secluded Members, a gainst the vio lence of the Army.

A solemne *Protestation* of the imprisoned and secluded Members of the Commons House: Against the horrid force and violence of the Officers and Souldiers of the Army, on VVednesday and Thursday last, the 6. & 7. of *Decemb.* 1648.

WE *the Knights, Citizens, and Burgesses of the Commons House of Parliament, (above one hundred in number) forcibly seized upon, violently kept out of the House by the Officers and Souldiers of the Army under* Thomas *Lord* Fairfax, *comming thither to discharge our duties on VVednesday and Thursday last, being the 6. and 7. of this instant* December; *doe hereby, in our Names, and in the Names of the respective Counties, Cities, and Burroughs for which we serve, and of all the Commons of* England, *solemnly protest and declare to the whole Kingdome, That this execrable force and open violence upon our Persons, and the whole House of Commons, by the Officers and Army under their command in marching up against their command, and placing strong armed Guards of Horse and Foot upon them, without and against their Order, is the highest and most detestable force and breach of Priviledge and Freedome ever offered to any Parliament of* England; *and that all Acts, Ordinances, Votes and proceedings of the said House made since the 6. of*

Decemb. *aforesaid, or hereafter to be made during our restraint and forcible seclusion from the House, and the continuance of the Armies force upon it, are no way obligatori, but void and null to all intents and purposes: And that all Contrivers of, Actors in, and Assistants to this unparalell'd force and treasonable armed violence, are open Enemies to, and professed Subverters of the Priviledges, Rights, and Freedome of Parliament, and Disturbers of the peace and setlement of the Kingdome; and ought to be proceeded against as such: and that all Members of Parliament and Commoners of* England, *by their solemne Covenant and duty, under paine of deepest perjury and eternall infamy, are obliged unanimously to oppose and endevour to their utmost power to bring them to exemplary and condigne punishment for this transcendent offence, tending to the dissolution of the present, and subversion of all future Parliaments, and of the fundamentall Governement and Lawes of this Realme.*

All which we held it our duties to declare and publish to the world, for feare our stupid silence should give any tacit consent or approbation to this most detestable crime, and make us guilty of betraying the Priviledges, Freedome, and Honour of this Parliament, to our perpetuall reproach, and the prejudice off all succeeding Parliaments.

Dated at *Westminster, Decemb.* 11. 1648.

27. The tame Lords and insolent Commons passe and print a Declaration against the said Declaration.

The said solemne Protestation of the secured Members being complained of, was sufficiently barked at in the House of Commons; and the Lords fell a barking at it too for company: and at last (that they might confute it with Authority instead of Reason) both Houses passed this following Declaration against it:

The Declaration of the Lords and Commons: Against the first Declaration of the secured and secluded Members.

THe Lords and Commons assembled in Parliament, taking into their consideration a printed Paper, entituled [A solemne Protestation of the Imprisoned and secluded Members, &c.] *wherein amongst other things, it is Declared,* That all Acts, Ordinances, Votes, and procedings of the House of Commons, made since the 6. of this instant *Decemb.* or hereafter to be made during their restraint

restraint and forcible seclusion from the House, and the continuance of the Armies force upon it, are no way obligatory, but void and null to all intents and purposes: *The said Lords and Commons doe thereupon judge and declare, the said printed Paper to be false, scandalous, and seditious, and tending to destroy the visible and fundamentall Governement of this Kingdome: And doe therefore order and ordaine the said printed Paper to be suppressed; and that all Persons whatsoever that have had any hand in, or given consent unto the contriving, framing, printing or publishing thereof shall be adjudged, and hereby are adjudged uncapable to beare any Office, or have any Place of trust or authority in this Kingdome, or to sit as Members of either House of Parliament. And doe further order and ordaine, That every Member of either House respectively now absent, upon his first comming to sit in that House whereof he is a Member, for the manifestation of his innocency, shall disavow and disclaime his having had any hand in, or given consent unto the contriving, framing, printing or publishing of the said Paper, or the matter therein contained.*

The present visible Government is the Power of the Sword in the hands of Rebels.

The fundamentall Government of this Kingdome is destroyed by the remaining faction in the Ho. of Commons, by their Acts, *For abolishing Kingly Government, The House of Peers, their putting down Trials by Iury of 12 men, and setting up illegall High Courts of Iustice, their usurping the Supreme Authority, their making Treason an Arbitrary crime, their erecting a Councell of State,* or Hogens mogens, forty Tyrants in lieu of one King, their altering the style of Writs and legall proceedings, &c. Sentence given before any person accused or heard to speake for himselfe. Oh, the brutish understanding of men whose sinnes and feares have intoxicated their wits!

28. The Conventicle of Commons repeat *extempore* in a thin House under a force; the Votes deliberately passed in a full and free House.

The 12. and 13. *Decemb.* the Commons (that they might purge their Iournall Books of all State-heresies, as well as their House of all State-Hereticks) voted this *Index expurgatorius*, which in their own canting language I here present to you.

1. *Resolved, &c. That the Vote of this House*, Ian. 3. 1647. *for revoking the Order*, Sept. 9. 1647. *for suspending Commissary* Lionell Copley *from being a Member of this House; is of dangerous consequence, and tending to the destruction of the justice and peace of the Kingdome; and is hereby repealed.* The like for the rest of the impeached Members, *mutatis mutandis.*

2. *Resolved, &c. That the Vote of the House*, Iune 30. 1648. *whereby this House did concurre with the Lords (for opening of a way to the Treaty with His Majesty for a safe and well-grounded peace) That the Votes*; Ian. 3. 1647. *forbidding all Addresses to be*

made to, or from the King, be taken off; was highly dishonourable to the proceedings of Parliament, and apparently destructive to the good of the Kingdome, (sure they meant the kingdome of the Saints.) They likevvise by foure severall Votes, revived the said 4. Votes, *Ian.* 3. 1647. for no Addresses, *in terminis.*

3. *Resolved, &c. That the Vote,* Iuly 28. 1648. *That a Treaty be had in the* Isle of VVight *with the King in Person by a Committee appointed by both Houses, upon the Propositions presented to him at* Hampton-Court; *was highly dishonourable, and apparently destructive to the good of the Kingdome.* Good Boyes, they can say their Lessons vvell, and apace too, vvhen the Army vvhips them on; they vvill shortly have a jubile of play-daies for their paines, 40. or 50. Nevv lights snuffed by the Councell of VVarre, can better discover vvhat is dishonourable, and apparently destructive to their ovvn Kingdome, then 340. or 244. could doe at other times: If you aske vvhat Debates they had? they could have none: being novv freed from the contradiction of Sinners: being all Birds of a feather, taught the same tune by the same Masters, and singing in the same cage.

The Honse adourned.

29. A Protest to be entered against the Votes, *That the Kings Grants vvere a ground for a Setlement;* a Touch-stone of *I. Gourdons.* See the Order, *Dec.* 5. 1648.

Yet the unanimous recalling those Votes vvas not thought (by those that thinke one thing and say another) a sufficient *Test* all vvere confidently for them, that voted vvith them; vvherefore godly *Iohn Gourdon* (a Fellovv that spits venome as naturally as a Toad) moved, *That a Protestation might suddenly be drawne up, and every Member to set his hand to it, in detestation of those repealed Votes.* A Committee vvas appointed accordingly. The 14. *Decemb.* the said nevv-found *Shiboleth* vvas brought in by *Gourdon,* vvhich caused divers that vvere not yet mad enough for *Bedlam* to forbeare the House, or rather Conventicle.

30. The *Militia* of the Counties nevv setled in Independent hands.

Decemb. 14. They repealed the Ordinance lately passed (after mature debate) *for setling the County Militias of the Kingdome,* because there vvere some Presbyterians in it not vvelaffected to the Army; and in that nevv sense, Malignants: And ordered, *that a new Ordinance, with a List of new names,* of Saints militant (sounding like a Ievvish pedigree) *be brought in;* for (through the indiscretion of the Presbyterians) the Independents have had the custody of our Purses a long time, and novv must keep our Svvords too, and then, *Stand and deliver,* vvill be the only Lavv of the Land.

About

About this time Major Generall *Browne* one of the Sheriffs of *London* vvas fetched out of the City by a Party of Horse, and carried before the mechanique Councell of VVarre at *VVhite-hall*, although a Member of Parliament, and consequently one of their Masters) vvhere he told them, *he knevv they had nothing to charge him withall, but his honest endeavours to preserve His Majesty and His Posterity, together with the Parliament, City, and Kingdome, with the Lawes and Government thereof from being rooted up by them, and that he feared them not.* Col. *Hewson* (the one-eyed Cobler) vvas so savvcy as to tell him, *He was too peremptory* at last they committed him Prisoner to S. *Iames's.*

31. Sheriff *Brown* carried away out of the City Prisoner to S. *Iames's.*

And that he might not vvant company, they sent a VVarrant to Capt. *Lawrence*, Marshal Generall, to remove Sir *VVill: VValler*, Sir *Iohn Clotworthy*, Major Gen: *Massey*, and Commissary Generall *Copley* from the *Kings head* to him.

32. Sir *Will. Waller* &c. removed S. *Iames's.*

The Marshall shevving them the VVarrant, they Protested against the Authority, and offered the Protest to the Marshall in vvriting, desiring him to shevv it to the Generall; vvhich he refusing to receive, Sir *VVill: VValler* desired all the company to vvitnesse vvhat Protestation they did make in behalfe of themselves, and all the Free-borne people of *England*, against the violent and illegall encroachments of the Generall and Councell of VVarre, against the Lavves and Liberties, and read it aloud; as follovveth,

33. They protest against the Generals Authority.

A Declaration of the taking avvay of Sir *Will: Waller*, Sir *Iohn Clotworthy*, Major Gen: *Massey*, and Colonel *Copley*, Members of the House of Commons, from the *Kings-head* in the *Strand* to S. *Iames's:* Together vvith their Protestation read at their removall. VVith a Copy of the L. Generals Order for the same. Tuesday, *Decemb.* 12. 1648.

Marshall *Lawrence* came and acquainted Sir *VVilliam VValler*, Sir *Iohn Clotworthy*, Major Gen: *Massey*, and M. *Lionell Copley*, Members of the House of Commons, *That he had Orders from the Lord Generall and Conncell of the Army, to remove them from the other Prisoners to S.* Iames's: They replied to him, *That they desidered to see his Orders:* the Marshall Answvered, *Thy were onely verball*; but the Gentlemen insisting to see a VVarrant for their

remove;

remove; the Marshall vvent to the Generall, and from him about six a clock brought an Order; a true Copie of vvhich follovves, *viz:*

You are upon sight hereof, to remove Sir Will: Waller, *Sir* Iohn Clotworthy, *Major Generall* Massey, *and Colonel* Copley, *from the* Kings-head *Inne (vvhere they are novv in Custody) to Saint* Iames's: *and for so doing, this shall be your Warrant.*

Given under my hand. *Decemb.* 12. 1648.

To Marshall Generall Lavvrence.

T: Fairfax.

This Order being shevved unto the foresaid Gentlemen, S. *VVilliam VValler* produced a Paper, desiring *that the same might be presented to the Generall*; vvhich Marshall *Lawrence* refused to receive: upon vvhich, the said Sir *VVilliam VValler*, and the other three Gentlemen, desired the said Marshall and all the Gentlemen there present, to attend and vvitnesse to that Protestation vvhich they did there make in behalfe of themselves, and all the Commons & Free-borne Subjects of *England*; so vvith a distinct and audible voice read their Protestation, as follovveth,

WE whose Names are hereunto subscribed, being Members of the House of Commons, and Free-men of England, *doe hereby Declare and protest before God, Angels, and Men, That the Generall and Officers of the Army, being raised by the Authority of Parliament, and for defence and maintenance of the Priviledges thereof; have not, or ought to have any power or jurisdiction to apprehend, secure, deteine, imprison, or remove our Persons from place to place by any colour or authority whatsoever; nor yet to question or trie us, or any of us by Martiall Law, or ortherwise, for any offence or crime whatsoever, which can or shall be objected against us: And that the present Imprisonment and removall of our Persons is a high violation of the Rights and Priviledges of Parliament, and of the*

Fundamentall

Fundamentall Lawes of the Land, and a higher usurpation and exercise of an Arbitrary and unlawfull power, then hath been heretofore pretended to, or attempted by this or any King or other power whatsoever within this Realme; notwithstanding which, VVe and every of us doe Declare our readinesse to submit our selves to the Legall triall of a Free Parliament, for any crime or misdemeanour that can, or shall be objected against us:

In vvitnesse vvhereof, vve have hereto subscribed our Names, the 12. of *December*, 1648.

At the *Kings-head* in the *Strand.* *VVilliam VValler,* *Edward Massey,* *Iohn Clotworthy.* *Lionell Copley.*

34. Foure secured Members discharged.

About this time, Mr. *Pelham*, Mr. *Lane*, Mr. *Vaughan*, Sir *Simon Dewes* (Members secured) vvere set at liberty vvithout any engagement, although at first it vvas demanded *they should engage not to attempt any thing against the present actings of this Parliament and Army*; vvhich they refused.

35. The Agreement of the People published and Answered.

About *Decemb.* 11. 1648. vvas delivered into the vvorld a monstrous Beggers Brat, called [*The Agreement of the People.*] It is very judiciously Answered by Mr. *VVilliam Ashurst*; all the Contents thereof is in the *Remonstrance of the Army*, 20. *Nov.* 1648. vvhereof I have spoken already.

1. It proposeth, *That the People* (that is, some small part of the People, the Army and their faction) vvithout any colour of Lavv or Right *should agree together to take away finally the present Government by King, Lords, and Commons*, vvhich the Kings Party heretofore charged upon the Parliament as their Designe for vvhich they fought; vvhereupon, the Parliament to vindicate themselves, published many Declaratione, and passed sundry Votes, *That they would not alter the Government by King, Lords, and Commons*; it also takes avvay the legall right from Burroughs to chuse members of Parliament; this admitted, they may as vvell conspire to take avvay any Lavv, or any mans Life or Estate, by vvhich rule vve could enjoy nothing but at the vvill of any number of men that shall call themselves *The People*. And upon the same ground that those that shall subscribe this *Agree-*

ment may call themselves *the People*, may those that shall refuse to subscribe call themselves *the People*, and upon farre better grounds, as being farre the more numerous, and standing for defence of those auntient Lavves, vvhich doe constitute the People and Common-vvealth of *England*, vvhich vvill breed infinite confusions and divisions: and vvhat those that call themselves *the People* novv agree to, they may alter upon the next change of humour or interest.

2. The inconveniences of the present Government have not yet been plainly discovered, nor no Triall hath been made by the present knovvne legall povver of *England*; vvhether those inconveniences may not be removed vvithout subverting the present Government, and introducing so totall a change as vvill be very dangerous and grivous to all sorts and conditions of men.

3. In the Protestation, *May* 5. 1641. and the Covenant, *Septemb.* 27. 1643. vve are bound to defend Parliaments, and to oppose and bring to punishment all such as shall endeavour the subversion of Parliaments, vvhich this Agreement cleerly doth.

4. This Agreement encroacheth desperately upon the liberty of the people of *England*, in the Election of this Representative; depriving them that have constantly adhered to this Parliament as vvel as the Kings party (if they cannot in conscience subscribe it) from Electing, or being Elected; yet they shall have Lavves and Taxes imposed upon them by Subscribers, vvho are the least, and the least considerable party of the Kingdome; and upon vvhom they conferre no trust; vvhich is to disfranchise the Nonsubscribers, and reduce them to the condition of Conquered Slaves. It is a knovvne Maxime in Lavv, *Quod omnes tangit, ab omnibus tractari debet*, vvhat concernes all men must be debated and agreed to by all men, either personally or representatively.

5. It vvill raise factions and feudes betvveen the Subscribers and Non-subscribers of the Parliament party.

6. It takes avvay Magistracy and Government, not onely by placing such a Supreme povver over them as is disputable; nay, apparently illegall: But by making the heady multitude (*the People*) supreme Judges over the said Representative: for although it inflicts the penalty of death upon the Resisters of their Orders;

yet

yet is vvith this *salvo*, except such Representative shall expressly violate this Agreement, vvhich makes every man or number of men that shall get povver into their hands Iudges of it; nor is there any other Iudge designed: and (if there vvere) vvho shall judge that Iudge? *& sic in infinitum*, the legall supreme Trust of all publique interests being taken avvay, our vagabond thoughts vvander in a circle, not knovving vvhere to repose our trust, all Iudges, all Councels may erre, but the rascall multitude are the very sinke of errors and corruptions. If therefore the Supreme, the Representative have so unstable an authority, vvhat shall the subordinate Magistrate acting under them have?

7. It smels so much of the Iesuite, that it tolerateth Popery in private Houses; contrary to the knovvne Lavves of the Land: Popery (like the old Serpent) if it once get in the head, vvill soon insinuate the vvhole body, being so vvell backed by potent Princes and Councels from beyond Sea. And truly I knovv not vvhat to say against Popery, vvhere Heresie, Schisme, Atheisme, and Blasphemie are openly tolerated, and exempted from the povver of the civill Magistrate, as in this Agreement.

8. It vvill lose *Ireland*; the managing of the VVarre there being legally in this Parliament by Act passed, not in this nevvfangled Representative.

9. It divides us from *Scotland*.

10. It destroyes the Cause for vvhich the Parliament so often Declared, Voted, Protested and Convenanted that they fought, viz. *Defence of Parliaments, Religion, Lawes and Liberties*, and bestovves the Cause upon the King, as if He onely (from the beginning) had fought for them: vvhich all men have reason to believe, vvhen they shall see the Parliament make such ill use of their Victory, as to root them all up. And this and all other Parliament Armies vvere Commissioned *to preserve this Parliament*; by this Authority they have their Pay and Indemnity, vvithout vvhich they are Thieves, Rebels, and Murderers.

11. It demands, that there be no Lavvyers nor Lavves, but nevv Rules in English to be made from time to time by the nevv Representative, vvho are to be chosen and trusted onely by a small faction of Subscribers, (as hath been said) according to vvhich justice shall be administred, not by Mayors, Sheriffs, Iustices of

the peace, Officers alvvaies ready, but by Hundred Courts, vvho are to supply the roome off all the Iudges and Lavvyers of the Kingdome: and all this to lie in the brests of 12 Men in every Hundred (of the Tribe of the Godly be sure) vvho peradventure can neither vvritte nor read, nor have responsible Estates to satisfie vvrongs done: these shall doe justice by providence and revelation.

12. It destroyeth all great and publique Interests (and therefore cannot stand) Kings, Lords, Souldiers, Magistrates, Parliaments, Lavvyers, Ministers, vvho vvill oppose it because it confounds and destroies Religion, and depriveth the Ministery of its lot, Tythes; stopping their mouthes vvith famine, purposely to cast them off: and generally all men of quality and discretion vvill vvithstand it; because it gives no security for enjoyment of liberty and property, nor for increase of learning, civility, and piety; vvho then are left to ovvne and subscribe it but desperate forlorne Persons, vvho, because they cannot bring their actions under the protection of our present Lavvs and Government, vvill bring the Lavvs and Government to their ovvn corrupt vvills and interests, and therefore vvill signe this *Agreement:* no obedience being given to this Representative, but upon condition *(that they kept this Agreement)* and there being no other Iudges of their keeping it but the Subscribers; vvho in the result of all, have the Lavv in their ovvne VVills.

36. This Agreement of the People was condemned by the House of Commons, 9. Nov. 1647.

This *Agreement of the People* is the same vvhich vvas subscribed by 9. Regiments of Horse, and 7 of Foot, and presented vvith a Petition to the House of Commons, *Novemb.* 5. 1647. by the Agitators, *Gifforde* the Iesuite being then in the *Lobby* vvith them, and very active therein. Vpon reading and debate hereof, the House then declared their judgements against it by passing these Votes:

Die Martis, 9. Nov. 1647.

A Paper directed to the Supreme Authority of the Nation, the Commons in Parliament assembled, The just and earnest Petition, of those whose Names are subscribed, in behalfe of themselves and all the Free-borne people of England: *Together vvith a Paper annexed, intituled, An Agreement of the People for present and future peace. upon grounds of Common Right, avowed.* Hovv these Papers come

novv

novv to be ovvned, thoſe that oppoſed them violently ſecured by the Army, by the connivence (at leaſt) of the dregs of the Houſe novv ſitting, let the Saints novv voting in the Houſe examine their pockets, for (I am confident) their conſciences had no hand in the buſineſſe.

Reſolved, &c. That the matters contained in theſe Papers, are deſtructive to the beings of Parliaments, and to the fundamentall Government of the Kingdome.

Reſolved, &c. That a Letter ſhould be ſent to the Generall, and thoſe Papers incloſed; together with the Vote of this Houſe upon them: and that he be deſired to examine the proceedings of this buſineſſe in the Army, and returne an Account thereof to this Houſe.

37. The ſaid Agreement damned by the General & Councell of VVarre, and a Souldier ſhot by ſentence for promoting it.

The Generall and Councell of VVarre in purſuance of this Vote, condemned one of the Agitators vvho promoted it, and ſhot him to death at *VVare* (you ſee vvhat it is to doe a thing unſeaſonably, this Deſigne of the Army and their Party vvas not yet ripe) vvherevvith they acquainted the Houſe; yet they kept in the ſame fire in the City ſtill, vvhere ſome of their Confederates, 23. of the ſame *Novem.* ſent the ſame *Agreement*, &c. incloſed in a Letter, vvith a Petition into the Houſe of Commons: vvhere-upon the Houſe (giving thanks to the Generall for the execution done at *VVare*, and deſiring him to examine that buſineſſe to the bottome) unanimouſly paſſed theſe Votes:

Die Martis, 23. Nov. 1647.

38. The ſaid Agreement condemned by the Houſe a ſecond time, 23. *Novemb*, 1647.

A Petition directed *to the Supreme Anthority of* England, *the Commons in Parliament aſſembled*, and entituled, *The humble Petition of many Free-borne People of England*, ſent in a Letter directed to Mr. Speaker, and opened by a Committee thereunto appointed, vvas read the firſt and ſecond time.

Reſolved, &c. That this Petition is a ſeditious and contemptuous avowing and proſecution of a former Petition and Paper annexed, ſtiled, An Agreement of the People, formerly adjudged by this Houſe to be deſtructive to the being of Parliaments, and fundamentall Government of the Kingdome, &c.

Reſolved, &c. That Tho: Prince, *Cheeſe monger, and* Sam: Chidley, *be forthwith committed Priſoners to the Priſon of the* Gatehouſe, *there to remaine Priſoners during the pleaſure of this Houſe, for a ſeditious and contemptuous avowing and proſecution of a former*

Petition and Paper annexed, stiled, An Agreement of the People, formerly adjudged by this House destructive to the being of Parliaments, and fundamentall Government of the Kingdome.

Resolved, &c. That Ieremy Ives, Tho: Taylor, and VVill: Larner, *beforthvvith committed Prisoners to the Prison at* Nevv-gate, *&c. as last aforesaid, in Terminis.*

Afterwards by an Ordinance, *Decemb.* 17. 1647. *for Electing Common-Councel-men, and other Officers in London*, they expresly ordained, *That no Person vvho hath contrived, abetted, perswaded, or entred into that Engagement, entituled,* [*The Agreement of the People,*] *declared to be destructive to the being of Parliaments, and fundamentall Government of the Kingdome; be elected, chosen, or put into the Office of the Lord Major of the City of* London, *Sheriffe, Alderman, Deputy of a VVard, or Common-Councel-man of the said City, or shall have any voice in the election of any such Officers, for the space of one vvhole yeare; and be uncapable of any of the said Places:* yet novv these petty Fellovves keepe the vvhole City in awe.

39. Yet this Agreement since inserted into the Remonstrance of the Army, owned by the Generall and Councell of VVarre; and *Nov.* 20. 1648. obtruded upon the House.

These multiplied Votes and Ordinance, laid this *Agreement of the People* asleep untill the beginning of *November*, 1648. vvhen (to hinder the peace of this Kingdome, and relieſe of *Ireland*) the Iesuits and Agitators prosecuted it againe in the Army, and inserted it againe *verbatim* in the *Remonstrance of the Army*, *Novemb.* 20. 1648. *to breake off the Treaty with the King, bring him to capitall punishment, and cast the odium of all upon the Parliament:* And the Generall and his Councell of Officers (though they had formerly shot a Souldier to death for prosecuting it) unanimously approved it at Saint *Albons*, *November* 16. 1648. and obtruded it upon the House the 20. *Novemb.* and vvhen they found the House so resolute in the Treaty as to proceed, they first seized the Person of the King, and carried Him to *Hurst-Castle*, as aforesaid; and vvhen the House at last closed up the Treaty vvith this Vote, *That the Kings Answers to the Propositions of both Houses were a ground for the Houses to proceed upon towards a setlement:* They seized upon 41. Members of Parliament, secured them, and villanously treated them; secluded above 160. and frighted avvay at least 40. or 50. more, leaving onely their ovvne *Somerset-house* Iunto of 40. or 50. thriving Members sit-

40. VVhy they purged the House.

ting

ting to Vnvote in a thin House under a force, vvhat had been voted in a full and free House; To vote dovvne the Kingly Office and House of Peers, to vote the Supreme Authority to be in the People, and in the House of Commons as their Representative, clean contrary to their three last recited Votes. To bring the King to capitall punishment before a nevv invented, illegall, mixed Court (consisting of engaged Persons) erected for that purpose, that hath neither foundation by prescription nor Lavv, and to erect a Councell or Committee of States, out of their number (in the nature of Lords, States Generall, or Hogen Mogens) vvith an unknovvn and therefore unlimited Authority, to continue in being after the dissolution of this Parliament. So farevvel Kings, Lords, and Commons, Religion, Lavves and Liberties, and all Votes, Declarations, Remonstrances, Protestation and Covenant, made heretofore only to gull the People, and carry on their designe.

41. Diverse Lords doe homage to the Generall, and wave their honours.

About 19. *Decemb.* divers Lords vvent to doe homage to the Generall, to expresse their good affections to him, and their concurrence vvith him for the common good, and their readinesse to vvave their priviledges and Titles if they shall be found burdensome to the liberty of the People, and had a gracious nod for their paines.

42. An Ordinance to curb the City in electing Officers.

About this time the Lords & Commons passed an Ordinance *for electing Common-Councel-men and Officers in* London *for the yeare following*, to this effect, *That no Person that hath been imprisoned or sequestred* (rightfully or vvrongfully) *or hath assisted the King against the Parliament in the first or second VVarre, or hath been aiding or assisting in bringing the Scots Army to invade this Kingdome, or did subscribe or abett the treasonable Engagement*, 1647. *or that did ayde, assist, or abett the late Tumult vvithin the Cities of* London *and* VVestminster, *or the Counties of* Kent, Essex, Middlesex, *or* Surrey, *shall be elected, chosen, or put into the Office or Place of Lord Mayor of* London, *Alderman, Aldermans Deputy, Common-Councel-man, or into any office or place of trust vvithin the City, for the yeare ensuing, or be capable to give his voice for chusing any Person to any the Offices aforesaid; And, that if any Persons comprehended under the aforesaid exceptions being chosen, shall presume to sit in the Court of Aldermen, Common-Councell, or execute any of the*

the aforesaid Offices, he shall forfeit 200. *And all such Elections to be null and void; the Lord Mayor to take order that this Ordinance be read at all Elections, and punctually observed: and also to afford the liberty of the Pole, it being required by any of the Electors present.* But this Ordinance not giving full satisfaction to the Zealots,

Skippon moveth for an Addition to the said Ordinance.

Skippon stood up, and looking as demurely as if he meant to say Grace, he told the House, *That the late Ordinance was not sufficient to keep Malignants out of Office in* London, *for Mr. Speaker* (said he) *It is not enough to exclude Delinquents, or the Abettors of the late Insurrections, &c. for there are a more dangerous sort of men amongst them: They which promoted the Treaty, and endeavoured to have the King brought to* London, *except these be made incapable of Authority, it will be a great discouragement to the Godly party of the City.* So an additionall Ordinance to this end vvas ordered to be brought in; you see to endeavour peace and setlement, is accounted by these Saints militant a sufficient crime to forfeit a mans Brith-right.

43. The Members subscribe *Iohn Gourdons* Protestation, sect. 29.

I formerly told you of *Iohn Gourdons* motion, *That all Members might subscribe a Protestation against the Votes for a Treaty with the King in the* Isle of VVight, *and especially against the Vote*, 5. Decemb. 1648. vvhich declareth, *That His Majesties Answers to the Propositions of both Houses were a ground for the two Houses to proceed to a setlement*: and untill such dissent or disapprovall to forbeare the House: This vvas done in obedience to the demands of the Army in their

Sect. 23. *Remonstrance* presented 20. *Novemb.* 1648. And although it be so clearly against the Orders and Priviledges of Parliament, that divers Members formerly (and some this Parliament) have been suspended the House, and committed to the Tovver for offering it, because it tends to breed factions and divisions in the House, and Tumults vvithout dores; yet every request from an Armed man is a Command and must be obeyed.

The *List* of the Names of these nevv Protestants follovveth, and (it is hoped) they vvill in time give better Reasons then (*the power of the Sword*) for it, 20. *December*, 1648. subscribed, The Lord *Lysle*, Col. *Boswell*, *Io: Gourdon*, Lord *Gray*, *Peregrine Pelham*, Col. *Iones*, Col. *Temple*, Col. *Ven*, Sir *Tho: Malevourer*, Sir *Thomas VVrothe*, Sir *Io: Bourcher*, Col. *Peter Temple*, *Humphry Edwards* (vvho vvaited on the King to the House vvhen he demanded the

5. Members,

5, Members, and his Election is adjudged void by a Committee) Mr *Tho: Challoner*, Sir *Gregory Norton* (who gave a man 20l. to wait on the King in his place as Pensioner when He demanded the 5. Members) *Michael Oldsworth*, *Augustine Garland*, Sir *Io: Danvers*, Mr. *Dove*, Mr. *Henry Smith*, Mr. *Frye* (whose Election is voted void) Mr. *Searle*, *Nich: Love*, *John Lysle*, Col. *Rigby*, *Cornelius Holland*, Col. *Ludlow*, *Greg: Clement*, Col. *Purefoy*, Col. *Stapeley*, Mr. *Dunch* Mr. *Cawley*, Col. *Downes*, *Io: Carey*, *John Blackiston*, *Tho: Scot*. Decemb. 22. Col. *Hutchinson*, Sir *Hen: Myldmay*, Sir *Iames Harrington*. Decemb. 25. Col. *Edward Harvey*, Alderman *Pennington*: Alderman *Atkins*, *Dan: Blagrave* (voted out of the House) Col. *Moore*, Col. *Millington*, Mr. *Prideaux*, *Roger Hill* the little Lawyer, *Dennis Bond*, Col. *Harrington*, Master *Hodges*, Mr. *Valentine*.

44. Sixteen imprisoned Members discharged without engagement.

Sixteene of the imprisoned Members were about this time sent for by the Generall; when they came, out came *Ireton*, and finding Mr. *Pryn* amongst them, he chid the Martiall for bringing him, and commanded him to be taken away; but Mr. *Pryn* refusing to depart, *Ireton* commanded him to be thrust out by head and shoulders: whereupon Mr. *Pryn* openly protested, *That the Army endeavoured utterly to subvert the fundamentall Lawes of the Land, and Priviledge of Parliament. That they had no power over him, nor any Member of Parliament. That their late force acted upon them, and their proceedings was illegall, and trayterous. That all men were bound to bring them to condigne punishment as Rebels and Traytours to their God, their King, Countrey and Parliament.* So Mr. *Pryn* was removed by the Marshall, and *Ireton* went in once more to consult the Oracle, & at last came out again to the Gent: telling them, *It was the Generalls pleasure they should be all released, attempting nothing against the actings of this present Parliament and Army, but* (said the insolent Fellow) *let that be at your perill:* so the Gentlemen expressing *that they would give no engagement*, were released without any.

45. A mock Fast kept by the two Houses, and H. *Peters* comick Sermon.

The 22. *Decemb.* both Iuntoes of foure Lords, and twenty Commons, kept a mock Fast at Saint *Margarets, Westminster*; where *Hugh Peters* the Pulpit-Buffon, acted a Sermon before them; the subject of his Sermon was, *Moses leading the Israelites out of Aegypt*: which he applied to the *Leaders* of this *Army*,

whose designe is, *to lead the people out of Aegyptian bondage: But how must this be done? that is not yet revealed unto me* (quoth *Hugh*) and then covering his eyes with his hands, and laying downe his head on the cushion, untill the People falling into a laughter, awakened him: He started up, and cried out, *Now I have it by Revelation, now I shall tell you; This Army must root up Monarchy, not onely here, but in* France *and other Kingdomes round about; this is to bring you out of* Ægypt: *this Army is that corner stone cut out of the Mountaine, which must dash the powers of the earth to pieces. But it is objected, The way we walke in is without president; What thinke you of the Virgin* Mary? *was there ever any president before, that a Woman should conceive a Child without the company of a Man? this is an Age to make examples and presidents in.*

46. The Councell of War vote a Toleration of all Religions.

Decemb. 25. The Councell of Warre voted a *Toleration of all Religions:* you see they vote like States men, as well as their Parliament.

47. The Common Councell petition against *Skippons* additionall Ordinance in vaine.

About this time, a Committee of Common-Councel-men came complainning to the House of *Skippons* additionall Ordinance, *That none should Elect, or be Elected, or execute the Place of Lord Mayor, Alderman, Aldermans Deputy, Common-Councell-man, &c. that had signed the Petition for a Personall Treaty, &c.* becaus they found the City generally ingaged in the said Petition; so that they could not find Men enough to Elect, or be Elected: Wherefore it was referred to a Committee to thinke of a remedy worse than the disease, as it proved afterwards. You see the petitioning for a *Personall Treaty* was so universall and publique that it could not be carried on by any private designe in Conventicles and corners; as are all the bloudy *Petitions for justice, justice against capitall Delinquents, and the most High*, which being penned and solicited by the Army, or sectary Committee-men, and subscribed and prosecuted by some few beggerly Schismaticks without Cloakes in the *Names of whole Counties*, (whom they had the impudence to belie) were entertained in state; and they, and that wel-affected County (though they abhorred the villany) thanked for their paines.

* 48. *Somerset shire* encouraged by the House to associate all the welaffected, *i.e.* all the *Anarchists* and Cheaters.

* 25. *Decemb.* The House voted a Letter to be sent by way of encouragement to the County of *Somerset*, *to go on with setling their*

their association with the welaffected, and forces of the Counties adjacent; this is to associate & Arme all the Schismaticks, Committee-men, guilty and desperate Persons, Antimonarchists, and Anarchists, against all the peaceable and honest men of the Kingdome.

26. *Decemb.* Mr. *Pryn* sent a Letter to the Generall, demanding his liberty; and seconded it with a Declaration, as followeth: 49. Mr. *Pryns* Letter to the Generall, demanding his liberty.

Mr. *Pryn's* Demand of his Liberty to the Generall, *Decemb.* 26. 1648. with his Answer thereto. And his Declaration and Protestation thereupon.

For the Honourable *Lord* Fairfex, *Generall of the present Army.*

THese are to acquaint your Lordship, That I being a Member of the Commons House of Parliament, a Free-man of England, *a great Sufferer for, and an Assertor of the Subjects Liberties against all Regall and Prelaticall tyranny, and no way subject to your owne, your Councell of Warres, or Officers military power or jurisdiction, going to the House to discharge my duty on the 6. of this instant* December, *was on the staires next the Commons House dore, forcibly kept back from entring the House, seized on, and carried away thence, (without any pretext of Lawfull Authority thereto assigned) by Colonel* Pride, *and other Officers and Souldiers of the Army under your Command. And notwithstanding the Houses demand of my enlargement both by their Sergeant and otherwise; ever since unjustly detained under your Marshals custodie, and tossed from place to place, contrary to the knowne Priviledges of Parliament, the Liberty of the Subject, and fundamentall Lawes of the Land, which your are engaged to maintaine against all violation. And therefore doe hereby demand from your Lordship my present enlargement, and just liberty, with your Answer hereunto.* 50. Mr. *Pryns* Declaration seconding his said Letter.

From the *Kings-head* in the *Strand*,
Decemb. 26. 1648.

William Pryn.

This was delivered to the Generals owne hands at his House in *Queen-street*, about three of the clock, the same day it beares

date; by Doctor *Bastwijcke*: Who returned this Answer by him, upon the reading thereof:

That he knew not but Mr. Pryn *was already released, and that he would send to his Officers to know what they had against him.*

Who it seemes act all things without his privity, and steere all the Armies present counsels and designes according to their absolute wills.

The publique Declaration and Protestation of *William Pryn* of *Lincolnes Iune*, Esquire; Against his present Restraint, and the present destructive Councels and Iesuiticall proceedings of the Generall, Officers, and Army.

I William Pryn, *a Member of the House of Commons and Freeman of* England; *who have formerly suffer'd 8. years Imprisonment (four of them close, three in exile) three Pillories, the losse of my Eares, Calling, Estate, for the vindicating of the Subjects just Rights and Liberties against the arbitrary tyranny and injustice of King and Prelats, and defence of the Protestant Religion here established; spent most of my strength and studies in asserting the Peoples just freedome, and the power and priviledges of Parliament, against all Opposers, and never received one farthing (by way of damages, gift, or recompence) or the smallest benefit or preferment whatsoever, for all my sufferings and publick services; Doe here solemely declare before the most just and righteous God of Heaven and Earth (the Searcher of all hearts) the whole Kingdome, English Nation, and the World, that having according to the best of my skill and judgment, faithfully discharged my trust and duty in the Commons House, upon reall grounds of Religion, Conscience, Iustice, Law, prudence and right reason, for the speedy and effectuall setlement of the peace and safety of our three distracted, bleeding, dying Kingdomes, on Monday,* Dec. 4. *I was on Wednesday morning following (the 6 of this instant) going to the House to discharge my duty, on the Parliament staires next the Commons dore, forcibly seized upon by Col.* Pride, *Sir* Hardresse Waller, *and other Officers of the Army (who had then beset the House with strong Guards and Whole Reg: of Horse and Foot) haled violently thence into the Queens Court, notwithstanding my Protest[illegible] of*

breach of priviledge, both as a Member and a Freeman, by a meere usurped tyrannicall power, without any lawfull Authority, or cause assigned; and there forcibly detained Prisoner (with other Members there restrained by them) notwithstanding the Houses double demand of my present enlargement to attend its service by the Sergeant, and that night (contrary to faith and promise) carried Prisoner to Hell, *and there shut up all night, (with 40. other Members) without any lodging or other accommodations, contrary to the known Priviledges of Parl. the fundamentall Laws of the Realm, and liberty of the Subject; which both Houses, the 3. Kingdoms, the Generall with all Officers and Soldiers of the Army, are by soleme Covenant and duty obliged inviolably to maintaine. Since which I have, without any lawfull power or authority, been removed and kept Prisoner in severall places, put to great expences, debarred the liberty of my Person, calling; and denied that hereditary freedome which belongs to me of right, both as a Freeman, a Member, an eminent sufferer for the publike, & a Christian, by these who have not the least shadow of authority or justice to restraine me, and never yet objected the least cause for this my unjust restraint.*

I do therefore hereby publickly protest against all these their proceedings, as the highest usurpation of an arbitrary and tyrannicall power, the greatest breach of faith, trust, Covenant, priviledges of Parliam. and most dangerous encroachment on the Subjects liberties and Laws of the Land, ever practised in this Kingdome by any King or Tyrant, especially by pretended Saints, who hold forth nothing but justice, righteousnesse, liberty of conscience, and publick freedome in all their Remonstrances; whiles they are triumphantly trampling them all under their armed iron feet. And doe further hereby appeal to, and summon them, before all the Tribunals and powers in heaven and earth for exemplary justice against them, who cry out so much for it against others lesse tyrannicall, oppressive, unjust, and sedifragus to God and men than themselves. And doe moreover remonstrate, that all their present exorbitant actings against the King. Parl. present Government, & their new modled Representative, are nothing else but the designs & projects of Iesuits, Popish Priests and Recusants (who bear chief sway in their Councels) to destroy and subvert our Religion, Lawes, Liberties, Government, Magistracy, Ministry, the present and all future Parl. the King. his Posterity, and our 3. Kingdomes, yea the Generall, Officers, and Army themselves, and that with speedy and inevitable certainty;

to betray them all to our forraigne Popiſh Enemies; and give a juſt occaſion to the Prince and Duke, now in the Papiſts power, to alter their Religion, and engage them, and all forraigne Princes and Eſtates to exert all their power to ſuppreſſe and extirpate the Proteſtant Religion and Profeſſors of it through all the World, which theſe unchriſtian, ſcandalous, treacherous, rebellious, tyrannicall, Ieſuiticall, diſloyall, bloudy preſent Counſels and exorbitances of this Army of Saints, ſo much pretending to piety and juſtice, have ſo deeply Wounded, ſcandalized, and rendred deteſtable to all pious, carnall & morall men of all conditions. All Which I am, and ſhall alWaies be ready to make good before God, Angels, Men, and our whole three Kingdomes in a free and full Parliament, upon all juſt occaſions? and ſeale the truth of it With the laſt drop of my deareſt bloud.

In witneſſe whereof, I have hereunto ſubſcribed my Name: at the Signe of the *Kings-head* in the *Strand*, *Decemb.* 26. 1648.

William Pryn.

51. The Councell of War forbid all ſtate and ceremony to the King. From *Dec.* 25. to 1. *Ianuary*, Num. 283.

52. *Cromwels* Sp. in the Ho: when it was firſt propounded to trie the King.

53. The Ordinance for electing Com: Councel men confirmed.

27. *Decemb.* The Councell of Warre (who manage the buſineſſe in relation to the King, ſaith the *Diurnall*) ordered, *That all ſtate and ceremony ſhould be forborne to the King, and his Attendants leſſened*, to mortifie him by degrees, and worke Him to their deſires.

When it was firſt moved in the Houſe of Commons to proceed capitally againſt the King; *Cromwell* ſtood up and told them, *That if any man moved this upon deſigne, he ſhould thinke him the greateſt Traytour in the World; but ſince providence and neceſſity had caſt them upon it, he ſhould pray God to bleſſe their Councels, though he were not provided on the ſudaine to give them counſel*: this bleſſing of his proved a curſe to the King.

28. *Decemb.* was brought into, and read in the Houſe an Ordinance, explaining the former Ordinance for electing Common-Councel-men, which confirmed the former Ordinance. It was referred back againe to the ſaid Committee to conſider of taking away the illegall (as they pleaſe to miſcall them) Oathes of Allegiance, Supremacy, and other Oathes uſually adminiſtred to Officers, Free-men, &c. of the City.

The 28. *Decemb. Tho: Scot* brought in the Ordinance for Triall of the King, it was read and recommitted three severall times, and the Commissioners Names inserted consisting of diverse Lords, Commons, Aldermen, Citizens, Country Gentlemen, and Souldiers, (that the more persons of all sorts might be engaged in so damnable and treasonable a designe) and because this Ordinance, and the proceedings thereupon had no foundation in Divinity, Law, reason, nor practice: The Commons to give it a foundation and ground from the authority of their Votes, declared as followeth.

54. The Ordinance for Triall of His Majesty passed the Commons.

Resolved, &c. That the Lords and Commons assembled in Parliament, doe declare and adjudge, That by the fundamentall Lawes of the Realme, it is Treason in the King of England *for the time to come to levie War against the Parliament, and Kingdome of* England.

Diurnall from 1. *Ian.* to the 8. of *Ian.* 1648. Numb. 286.

So together with this declaratory Vote the said Ordinance was carried up to the Lords by that Renegado Lord *Gray* of *Grooby*, *Ian*: 2. 1648. The Lords met that day farre more than ordinary, 16. in number, and promising to send an Answer by Messengers of their owne.

55. And sent up to the Lords,

The first Question started by some Lords (who had rather have had a thinner House) was, *Whether it should be presently debated?* which passed Affirmatively. The first Debate was upon the said Declaratory Vote: The Earle of *Manchester* told them, *The Parliament of* England, *by the fundamentall Laws of* England *consisted of three Estates*, 1. *King.* 2. *Lords.* 3. *Commons*: *the King is the first and chief Estate, He calls and dissolves Parliaments, and confirmes all their Acts*: *and without him there can be no Parliament*; *therefore it is absurd to say, The King can be a Traytour against the Parliament.* The Earle of *Northumberland* said, *The greatest part* (at least twenty to one) *of the People of* England *were not yet satisfied, whether the King levied war first against the Houses, or the Houses against Him? And if the King did leavie Warre first against the Houses, We have no Law to make it Treason in Him, so to doe: And for us to declare Treson by an Ordinance, when the matter of fact is not yet proved, nor any Law extant to judge it by, is very unreasonable*: so the Lords cast off the Debate, and cast out the Ordinance: and adjourned for seven daies.

56. and Debated.

57. The Zealots of the H. of Com: offended with the Lords for casting forth the Ordin: for Triall of the King.

Ian. 3. The Zealots of the Commons were very angry at the Lords,

Lords, and threatned to clap a Pad-lock on the Dore of their House: but at last they sent up some of their Members to examine the Lords Book, and see what they had done; who brought word back, *that their Lordships had passed 2. Votes; 1. That they doe not concurre to the said Declaratory Vote. 2. That they had rejected the Ordinance for Triall of the King.*

58. Votes passed by them thereupon.

Hereupon, the Commons resolved to rid their hands of King and Lords together; and presently they voted, *That all Members of the House of Commons, and others appointed by order of that House, or Ordinances of both Houses of Parliament, to act in any Ordinance wherein the Lords are joyned, shall be empowred and enjoyned to sit, and act, and execute in the said severall Committees of themselves, notwithstanding the House of Peers joyne not with them, therein.* Upon the debate, many hot-brain'd men insisted upon it, *That the Lords who rejected the Ordinance should be themselves Impeached for favouring the grand Delinquent of* England, (you see the King was likely to have much justice, when his Iudges must either condemne Him, or be condemned) others thought it more prudence to touch their Priviledges, and let alone their Persons.

Die Iovis, 4. Ian. 1648. The Commons passed these 3. Votes,

A question in Divinity voted in Parliament never agreed to by Divines. This we find *de facto*, in the subversion of our Religion, Lawes, Liberties and Properties, though not *de jure*. You see that since both Houses ravish'd the Supremacy from the King, and a petty Faction from the Houses; our Lawes are first shrunke into arbitraty Ordinances of both Houses; and now into Orders of a remaining Faction of one House.

1. *That the People* (that is, their owne faction, according to their said Principle) *are under God the originall of all just power.*

2. *That the Commons of* England *in Parliament assembled, being chosen by, and representing the People, have the Supreme power of this Nation.*

3. *That whatsoever is enacted or declared for Law by the House of Commons assembled in Parliament, hath the force of Law*: and all the People of this Nation are concluded thereby, although the consent or concurrence of the King or House of Peers be not had therennto. This chain-shot sweeps away King, Lords, Laws, Liberties, property, and fundamentall Government of this Nation at once; and deposites all that is, or can be neer or deare unto us *in scrinio pectoris*, in the bosomes and consciences of 50. or 60. factious covetous Saints, the dregs and lees of the House of Commons sitting and acting under the power of an Army: and yet the House of Commons never had any *Power of Iudica-*

ture,

ture, nor can legally administer an Oath; but this in pursuance of their aforesaid Principle, *That they may passe through any forme of Government to carry on their Designe*: The *Diurnall* tells you, *there was not a Negative Voice*: this shewes under what a terror they sit, when (in things so apparently untrue) no man durst say, *No*: so the said Declaratory Vote and Ordinance for Triall of His Majesty (by a Court Martiall, if the *Diurnall* speake true, and yet the King no Prisoner of War) was passed onely in the name and by the Authority of the Commons: Notwithstanding, the Order of the House, *That the Clerke should not deliver a Copy of the said Ordinance to any man*, I here present the Reader with a Copie thereof:

* An Act of Parliament of the House of Commons, for Tryall of *Charles Stuart* King of *England*.

59. The Act for Triall of the King.

Whereas it is notorious that Charles Stuart *the now King of* England, *was not content with the many incroachments which his Predecessors had made upon the People in their Rights and Freedome, hath had a wicked Designe to subvert the antient and fundamentall Lawes and Liberties of this Nation, and in their place to introduce an Arbytrary and Tyrannicall Government, and that besides all evill waies to bring His Design to passe, He hath prosecuted it with fire and sword, leavied and maintained a Civill War in the Land, against the Parliament and Kingdome; whereby this Country hath been miserably wasted, the publique Treasure exhausted, Trade decayed, thousands of People murdered, and infinite of other mischiefs committed, for all which high offences the said* Charles Stuart *might long since have been brought to exemplary and condigne punishment.*

Quære, Whether the Faction doe not translate these Crimes from themselves to the King with many others.

Whereas, also the Parliament well hoping that the restraint and imprisonment of His Person, after it had pleased God to deliver Him into their hands, would have quieted the distempers of the Kingdome, did forbeare to proceed judicially against Him, but found by sad experience that such their remissnesse served onely to encourage Him, and His Complices in the continuance of their evill practices, and in raising new Commotions, Rebellions, and Invasions: For prevention of the like and greater inconveniences, and to the end no chief Officer or Magistrate may hereafter presume Trayterously and malitiously

to imagine or contrive the enslaving or destroying of the English Nation, and to expect impunity. Be it enacted and ordained by the Commons in this present Parliament assembled, and it is hereby enacted and ordained, that

Thomas L^d. *Fairfax*, Generall.
Oliver Cromwel, Lieu. Generall.
Com. Gen. *Ireton.*
Major Gen. *Skippon.*
Sir *Hardresse Waller.*
Col. *Valentine Walton*
Col. *Thomas Harrison*
Col. *Edward Whalley.*
Col. *Thomas Pride.*
Col. *Isaac Ewer.*
Col. *Rich: Ingolsby.*
Sir *Henry Mildmay.*
Sir *Tho: Honywood.*
Thomas, Lord *Grey.*
Philip. Lord *Lisle.*
Will: Lord *Munson.*
Sir *John Danvers.*
Sir *Tho: Maleverer.*
Sir *John Bowcher.*
Sir *James Harrington.*
Sir *William Brereton.*
Robert Wallop, Esquire
Will: Henningham, Es.
Isaac Pennington, Alderman.
Thomas Atkins, Ald:
Col. *Rowland Wilson.*
Sir *Peter Wentworth.*

Col. *Henry Martyn.*
Col. *William Purefoy.*
Col. *Godfrey Bosvill.*
John Trencherd, Esq.
Col. *Harbottle Morley*
Col. *John Berckstead.*
Col. *Mat. Tomblinson.*
John Blackston, Esq.
Gilb: Millington, Esq.
Sir *Will: Constable.*
Col. *Edward Ludlow.*
Col. *John Lambert.*
Col. *Jo: Hutchingson.*
Sir *Arth: Hazlerigge.*
Sir *Michael Livesley.*
Rich: Saloway, Esq.
Humph: Saloway, Esq.
Col. *Rob: Titchburne.*
Col. *Owen Roe.*
Col. *Rob: Manwaring.*
Col. *Robert Lilburne.*
Col. *Adrian Scroope.*
Col. *Richard Deane.*
Col. *John Okey.*
Col. *Robert Overton.*
Col. *John Harrison.*
Col. *Joh: Desborough.*
Col. *William Goffe.*
Col. *Rob: Dukenfield.*
Cornelius Holland, Es.

John Carne, Esq.
Sir *Will: Armine.*
John Jones, Esq.
Miles Corbet, Esq.
Francis Allen, Esq.
Thomas Lister, Esq.
Ben: Weston, Esq.
Peregrin Pelham, Esq.
John Gourdon, Esq.
Serj. *Francis Thorp.*
John Nut, Esq.
Tho: Challoner, Esq.
Col. *Algern: Sidney.*
John Anlaby, Esq.
Col. *John Moore.*
Richard Darley, Esq.
William Saye, Esq.
John Aldred, Esq.
John Fagge, Esq.
James Nelthrop. Eq.
Sir *Will: Roberts.*
Col. *Francis Lassels.*
Col. *Alex: Rixby.*
Henry Smith Esq.
Edmond Wilde, Esq.
James Chaloner, Esq.
Josias Barnes, Esq.
Dennis Bond, Esq.
Hump: Edwards, Esq.
Greg: Clement, Esq.

John

John Fray, Esq.
Tho: Vvogan, Esq.
Sir *Greg: Norton.*
Serj. *John Bradshaw.*
Col. *Edm: Harvey.*
John Dove, Esq.
Col. *John Venn.*
John Foulks, Alder:
Thomas Scot, Alder:
Tho. Andrewes, Ald:
Vvilliam Cawley, Esq.
Abraham Burrell, Esq.
Col. *Anthony Stapley.*
Roger Gratwicke, Esq.
John Downes, Esq.
Col. *Thomas Horton.*
Col. *Tho. Hammond.*
Col. *George Fenwicke.*
Serj. *Robert Nichols.*
Robert Reynolds, Esq.
John Lisle, Esq.
Nicholas Love, Esq.
Vincent Potter.
Sir *Gilbert Pickering.*

John Vveaver, Esq.
John Lenthall, Esq.
Sir *Edward Baynton.*
John Corbet, Esq.
Thomas Blunt, Esq.
Thomas Boone, Esq.
Augustin Garland, Esq.
Augustin Skinner, Esq.
John Dicks well, Esq.
Col. *George Fleetwood*
Simon Maine, Esq.
Col. *Iames Temple.*
Col. *Peter Temple.*
Daniel Blagrave, Esq.
Sir *Peter Temple.*
Col. *Thomas Wayte.*
John Browne, Esq.
John Lowrey, Esq.

****

Mr. *Bradshaw*, nominated President.

Counsellors assistan
to this Court, & t
draw up the Charg
against the KING
are,
Doctor *Dorislow.*
Master *Steele.*
Master *Aske.*
Master *Cooke.*

Serjeant *Dandy*, Ser
jeant at Armes.

Mr. *Philips*, Clerk to
the Court.

Messengers and dore
keepers, are.
Master *Vvalford.*
Master *Radley.*
Master *Paine.*
Master *Powel.*
Master *Hull.*
And Mr. *King*, Crier.

shall be, and are hereby appointed Commissioners and Iudges for the hearing, Trying, and Iudging of the said Charles Stuart; *and the said Commissioners, or any 20. or more of them shal be, and are hereby Authorized and Constituted an High Court of Iustice, to meet at such convenient times and place as by the said Commissioners, or the major part, or 20. or more of them under their hande and seales shall be appointed and notified by publick Proclamation in the great Hall,* or Palace-yard *of* Vvestminster; *and to adjourne from time to time, and from place to place, as the said High Court or the major part thereof meeting shall hold fit, and to take order for the charging of Him the said* Charles Stuart *with the Crimes above mentioned, and for the receiving His*

These wise men of *Gotham* could not tell whether VVitnesses upon oath were necessary upon Trials of life and death. But (I confesse) that upon the defensive part, upon Indictments; VVitnesses upon oath were not to be heard against the King, much more Accusers of the King. All welaffected Persons tag and rag invited to assist in a Tumultuary way to destroy the King if need had been, that is, all Antimonarchists.

Personall Answer thereunto, and for examination of VVitnesses upon oath (if need be) concerning the same; and thereupon or in default of such Answer to proceed to finall Sentence according to justice and the merit of the Cause, to be executed speedily and impartially. And the said Court is hereby Authorized and required to chuse and appoint all such Officers, Attendants, and other circumstances as they, or the major part of them shall in any sort judge necessary or usefull for the orderly and good managing of the premises: and Thomas *Lord* Fairfax * *the Generall, with all Officers of justice, and other wel-affected Persons are hereby authorized and required to be aiding and assisting unto the said Commissioners in the due execution of the trust hereby committed unto them, provided that this Ordinance, and the Authority hereby granted doe continue for the space of one Month from the Date of the making hereof, and no longer.*

* The Generall is no Officer of justice.

60. A new Great Seale to be made.

But at last they stumbled at a rub not foreseen; they could not use the old Great Seale against Him, because it vvas the Kings Great Seale (no more could they use any of our Lavves, Courts, or Iudges against Him, because they are all the Kings) the Sculpture upon it is, *Carolus Dei Gratia*, neither vvould the Grace of God square vvith their proceedings: they must therefore make a nevv Great Seale; but that vvas long a making, and their fingers vvere in the fire: they therefore proceeded vvithout any Commission under Seale, onely upon the said Ordinance, and every Commissioner set his ovvne hand and seale to the publique instruments of their proceedings: vvhat need ceremonies vvhen men are resolved upon the substance?

61. The Iews petition the Councell of VVar to have the Stat: of their banishment repealed.

About this time the Hebrevv Ievves presented a Petition to the uncircumcised Ievves of the Councell of VVarre, *That the Statute of Banishment against them may be repealed, and they readmitted to a Synagogue and Trade amongst us*; They offer for their re-admission, S. *Pauls* Church, and the Library at *Oxford*, 500000l. but 700000l. is demanded: *Hugh Peters* and *Harry Martyn* solicite the business. Vpon this occasion vvas published this Paper ensuing.

The

* The last damnable Designe of *Cromwel* and *Ireton*, and their junto or Caball; intended to be carried on in their Generall Councell of the Army, and by their journey-men in the House of Commons, vvhen they have engaged them desperately in sinne, past all hope of retreat by murdering the King. 62. A Paper published upon occasion of the Iewes Petition

Major VVhite, *a Member of the Army, long since at* Putney *foretold, That shortly there vvould be no other povver in* England *but the povver of tee Svvord:* and VVil: Sedgvvick *in his Booke called* [justice upon the Armies Remonstrance] *saith, The Principle of this Army is, To breake the Powers of the Earth to pieces:* and Iohn Lilburne *in his* [Plea for Common Right] pag. 6. *saith, The Army by these extraordinary proceedings, have overturned all the visible Supreme Authority of this Nation: that is, they have, and vvill, by seizing upon the Members of Par: dissolving it, and setting up a nevv invented Representative, and bring the King to capitall punishment, and dis. inheriting His Posterity, subvert the Monachicall Government, and Parliaments of this Kingdome; the Lavves and Liberties of the People, and so by bringing all to Anarchy and confusion, put the vvhole Government of the Land under the Arbitrary povver of the Svvord.*

In order to vvhich, they have, and vvill overturne the Government of the City of London *by a Lord Mayor and Aldermen, and Governerne it by Commissioners, and a schismaticall Common Councell of* Anabaptists, *illegally chosen; and deprive them of their Charter of Incorporation and Franchises; and this shall be a leading case to all the Corporations of* England.

Their next designe is, to Plunder, and Dis-arme the City of London, *and all the Country round about; thereby to disable them to rise vvhen the Army removes, but not to the use of the Souldiers, (although they greedily expect the first VVeek in* February *the time appointed) from vvhom they vvill redeeme the Plunder at an easie rate; and so sell it in bulk to the* Ievves, *vvhom they have lately admitted to set up their banks, and magazins of Trade amongst us, contrary to an Act of Parliament for their banishment; and these shall be their Merchants to buy off for ready money, (to maintaine such VVarres as their violent*

proceedings will inevitably bring upon them) not onely all Sequestred and Plundred goods, but also the very Bodies of Men, VVomen, and Children, whole Families taken Prisoners for sale, of whom these Iewish Merchants shall keep a constant traffique with the Turks, Moores, *and other Mahometans; the* Barbadus, *and other English Plantations being already cloyed with* VVelch, Scottish, Colchester, *and other Prisoners imposed by way of sale upon the Adventurers: and this is the meaning of* Hugh Peters *threat to the* London *Ministers, That if another VVarre followed, they will spare neither Man, VVoman, nor Child: For the better carrying on of which Designe, the said Caball, or Iunto, keep a strict correspondency with* Owen Roe Oneale, *the bloudy Popish Antimonarchicall Rebell in* Ireland, *and the Popes Nuntio there. The Antimonarchicall Marquesse of* Argyle *in* Scotland; *the Parisian, Norman, and Picarde Rebels in* France; *and the Rebel King of* Portugall. *If danger be not held so close to your eyes that you cannot discerne it, looke about you English. But this Kingdome is not to be saved by Men that will saue themselves; Nothing but a Private hand, and a Publique spirit can redeeme it.*

63. Master *Pryns* second Letter to the Generall.

The 3. *Ian.* 1648. Master *Pryn* sent a Letter to the Generall, demanding vvhat kind of Prisoner, and vvhose he vvas? as followeth:

* *To the Honourable,* Thomas *Lord* Fairfax, *Generall of the present Army, these present.*

My Lord,

IT is novv a full Months space since I (vvith other Members of the Commons House) have been forcibly apprehended and kept Prisoner by some of your Officers and Marshall, against the Priviledges of Parliament, the Liberty of the Subject, the Lavves and Statutes of the Realme, and all rules of justice, conscience, and right reason; vvithout the least shadovv of Authority, or any cause at all yet made knovvne to me, of vvhich (vvere there any) neither God nor man, ever yet made your Lordship or your Officers, Iudges. I therefore desire to knovv from your Lordship, vvhat kind of Prisoner I am? and vvhose? If a Prisoner of peace, neither

neither your Lordship, nor your Officers, are any Iustices of peace, or Civill Magistrates in this place, to restraine me for any civil crime, vvere I guilty of it, much lesse vvithout proof or hearing, in case I vvere no Member: but being neither guilty nor accused of any such crime, and a Member too, no Magistrate can, nor ought to imprison me upon any pretext, at least vvithout the Houses licence first obtained. If a Prisonner of VVarre, vvhich I cannot probably be, being never in Arms, and apprehended neer the Commons House dore, going peaceably and unarmed thither to discharge my duty; then you, and your Officers thereby acknovvledge, That you have levied VVarre against the Parliament, and its Members: and vvhat capitall offence this is, and vvhat a punishment it deserves, I need not informe your Lordship, or your Councell, vvho have for this very crime, condemned and shot some to death, as Traytours: and demanded speedy justice and execution for it upon the King himselfe.

I have but one thing more to trouble your Lordship vvith, and that is, to demand vvhose Prisoner I am? having yet seen no VVarrant nor Order from your selfe, or your Officers, for my restraint, though I have oft demanded it of your Marshall: If your Lordships Prisoner, there appearing yet no legall Authority, cause, or VVarrant, for my restraint; I must then crave so much justice from your Lordship (being but a Subject, and not yet paramount all Lavves) to order your Attourney to give an Appearance for you in the *Kings bench*, the first returne of the next Tearme, to an action of false Imprisonment, for this my unjust restraint; vvhich I intend (by Gods assistance) effectually to prosecute. If your Officers Prisoner onely and not yours, vvhich I conceive, vvho yet abuse your name and authority herein, though it be a rule in Lavv & Divinity too, *Qui non prohibet malum quod potest; jubet*; yet I shall be so just as to set the saddle upon the right horse, and commence my action onely against such of your Officers, vvho have been most active in my Imprisonment, for damage and reparations; vvhich if there be any justice remaining under Heaven, I doubt not but I shall recover in Gods due time, in this publique cause vvhich so highly concernes the honour, fredome, and Priviledges of Parliament, and Subjects Liberties; for defence and maintenance vvhereof, as I have hitherto spent my

strength

ſtrength, adventured my life, body, liberty, and eſtate; ſo ſhall I novv againe engage them all, and all the friends and intereſts I have in heaven and earth, rather then they ſhall ſuffer the leaſt diminution, prejudice or eclipſe by my ſtupid patience under this unjuſt captivity; though I can as vvillingly forgive and put up private injuries, vvhen the publique is not concerned, as any man. All vvhich, I thought meet to informe your Lordſhip of, vvhom I am heartily ſorry to ſee ſo much diſhonoured, abuſed, and miſled by raſh ill-adviſed Officers, and dangerous, deſtructive (and I dare ſay jeſuiticall) councels, to the Parliaments diſſipation, the Kingdomes prejudice, *Irelands* loſſe; moſt good mens and Miniſters grief, your beſt Friends aſtoniſhment, your Enemies and the Papiſts triumph, our Religions ſcandall, and your ovvne diſhonour: vvhich I beſeech you as an Engliſh-man, a Chriſtian, a Profeſſor of piety and Religion, a Souldier, a Generall, to lay ſadly to your heart, as the earneſt requeſt of

From my Priſon at the Sign of the *Kings-head* in the *Strand*, 3 *Ianu:* 1648.

Your Lordſhips faithfull Friend and Monitor,

VVilliam Pryn.

* *An additionall Poſtſcript.*

WE read, *Luke* 3. 14: that vvhen the Souldiers demanded of *Iohn Baptiſt*, ſaying, and *what ſhall we doe?* he ſaid unto them, *Doe violence to no man*, (or put no man in feares) *neither accuſe any falſly, and be content with your allowance*: not impriſon, depoſe, or murther Kings, pull dovvne Parliaments, impriſon, violently ſhut out and drive avvay Parliament-men, and then lay all falſe accuſations and ſcandals upon them to colour your violence, ſubvert Kingdomes, alter States, breake all bonds of Lavves, Oaths, Covenants, Obligations, Engagements to God and Men; uſurp all civill, military and Eccleſiaſticall povver, and the Kings Royall Palaces into your ovvne hands, as ſupreme Lords and Kings; raiſe vvhat nevv forces, and leavie vvhat nevv Taxes you pleaſe, take up vvhat Free-quarters and Houſes, ſeize and plunder vvhat publick Treaſuries & monies you

pleaſe

pleaſe, without Commiſſion or Authority, obey niether God nor Man, neither Parliament nor Magiſtrate, and be content with nothing, but alter and ſubvert all things. Theſe are Saint *Peters* new Doctrines and Revelations, to our Officers and Souldiers now, & thoſe Jeſuits who lurk amongſt them, not *Iohn the Baptiſt*, whoſe Canonicall advice is now rejected as Apocryphall, even among the Army Saints, who preferre every *ignis fatuus*, though from *Doway* or *Rome* it ſelfe, before this burning and ſhining old light, and are guided onely by a new minted law of pretended providence or neceſſity of their owne forging, and not by the revealed will & law of God, the ſacred light whereof their preſent works of darkneſſe dare not approach, leſt they ſhould be reproved & condemned by them. But ſome 43. Actions of falſe impriſonment by the impriſoned, & 150. Actions of the Caſe by the ſecluded Members, brought againſt theſe domineering lawleſſe Officers & Grandees of the Army, wherein good Damages will be recovered, & ſome 12. Indictm: of High Treaſon againſt them for laying violent hands upon the Kings Perſon, & the Members, and leavying Warre againſt the Parliament, will teach them more obedience, humility, & modeſty than either *Iohn Baptiſt*, Saint *Paul*, Saint *Peter*, or Saint *Peters* will doe; and be like *Gideon* thornes and briars of diſcipline to theſe men of *Succoth*, with whom no faire meanes will prevaile; who might have learned ſo much law and juſtice from an Heathen Souldier and Governour *Feſtus*, Acts 25. 27. *It ſeemeth unto me unreaſonable to ſend* (much more to commit) *a Priſoner, and not withall to ſignifie the crimes layd againſt him*; and come ſhort of that ingenuity of the heatheniſh chief Captaine who ſeized upon *Paul*, thereby to appeaſe the Tumult at *Hieruſalem*, Acts 22. 27, 29. who as ſoone as ever *Paul* told him, *he was a Roman, & Free-borne; then ſtraight way they departed from him who ſhould have examined him; and the chiefe Captaine alſo was affraid, after he knew that he was a Roman, and becauſe he had bound him.* And ſhould not falſe impriſoning of a Parliament-man & Free-born Engliſh-man be as formidable to our chiefe Captaines (being a Chriſtian, I ſay, ſworne and vowed to defend the Houſes Priviledges, and Members Perſons) as the Impriſonment of a Roman was to this chiefe Captaine, & they as ingenious and juſt

as he, who shall rise up in judgement against them, and condemn them at the last.

I shall close up all with this observation, That as the most glorious Angels in Heaven, when they fell (through pride and ambition, as most conceive) became the very foulest Devils in Hell; so the most resplendent seeming hypocriticall Saints when they fall through the like sinnes, and have power in their hands, become the most incarnate Devils, and Monsters of treachery and tyranny upon earth, exceeding Turkes and Pagans therein, of which we have now sad experience in our Army-Saints, who every day aggravate, and yet justifie their impieties & exorbitances. 2 *Chron.* 28. 11. *Now heare me therefore, and deliver the Captives again, which ye have taken Captives of your Brethren; for the fierce Wrath of God is upon you.*

Will: Pryn.

64. Another forg'd Letter endeavoured to be fastned upon Sheriff *Browne.*

The Saints having nothing to say against Major Gen: *Browne*, (unlesse they should accuse him for being true to King, Parliament, City, & Kingdome, & to all the first declared Principles of this Parliament) fell to their old trick to fasten another counterfeit Letter upon him: wherefore a Man coming to S. *Iames's* (where he was then imprisoned) desired in the hearing of all present, to speake with him in private: Major G. *Browne* told him He was not for private conference, & bade him speake openly; then the Fellow presented a Letter to him, saying, It was from the Prince: but Maj: G. *Browne* (remembring the like trick put upon him before) called for the Guard to apprehend him; when presently the Messenger threw te Letters into the fire, and the Marshall catching them out halve burnt, affirmeth, He saw *Charles Prince*, written upon them. Sanctified eyes may see through the spectacles of their owne fantasie what they please, to accomplish their Designe, & therefore they have a new principle or light (which as the 7. *May*, be added to the aforesaid 6.) that though they have no proofs nor evidence against a man, yet if in their cōsciences, they think him guilty, they may condemne him upon the testimony of their owne consciences; this is to condemn by Revelation such whose bloud they desire to sucke. This supposed Messenger from the Prince was seized by the Guard;

Guard, but no proceedings againſt him heard of; which argues it was but a ſnare ſet to catch the Major.

65. Another more generall forgery to endan ger vvhom the Faction pleaſe. It vvill be proved that divers vvitneſſes have bee practiſed & tampered vvith againſt, Mr. *Browne* and others.

About this time (to ſecond this device) a Man gallantly clothed, and mounted, comes to the *Beare* in the *Strand*, gives the Hoſtler a Peece, & bids him have a care of his Horſe; then goes into the City, & (the plot being forelayd) was taken there with Letters ſubſcribed with the Princes name to divers Citizens, & Members, againſt whom they want matter of accuſation. I heare no more of this matter yet; this is a device dormant, to be awakened hereafter, if any ſhall oppoſe the preſent actings of the Army and their Parliament.

66. *London* Miniſters threatned. See the Miniſters of *Londons* Letter to the Generall called, [*A ſerious Repreſentation.*] dated, *Ian.* 18. 1648.

Cromwell, *Ireton*, and *Hugh Peters* have ſeverall times made it their errand to go into the City and viſit the Miniſters, giving them threatning admonitions; *not to Preach any thing againſt the Actings of the Army and their Parliament*: But *Hugh* acted his part above them all; he tooke ſome Musketiers with him to the houſe of Maſter *Calamy*, & knocking at the dore, a Maid asked *Whom he would ſpeake with*? he told her, *with her Maſter*; ſhe *asked his name*? he replied, Mr. *Hugh Peters*: the Maid going up the ſtaires to acquaint her Maſter (who was above-ſtaires in Cõference with ſomes Divines) over-heard *Peters* ſay to the Souldiers, *The very name of Peters will fright them all*: *Peters* being called up the ſtaires, told Mr. *Calamy*, *He was commanded by the Generall to warne him to come before him*: Mr. *Calamy* (leaving *Peters* vapouring & canting Religion and non-ſenſe to the reſt of the Divines) ſlipt downe ſtaires and went to the Generall to know his pleaſure, telling him, *He had been ſummoned before him by Hugh Peters*: the Generall ſaid, *Peters was a Knave, and had no ſuch directions from him.*

67. The C. of VVar conſider hovv to ſhut up the Churches dores.

Since this, the Councell of Warre (finding it difficult to ſtop the Miniſters mouths) have ſundry times debated, *How to ſhut up the Churches dores in the City, for Reformation of the Church, and propagation of the Goſpell*: they have impriſoned Mr. *Canton* (a worthy Miniſter) *for praying for King CHARLES*, & threaten to trie him for his life in the Upper Bench (forſooth) which all the Lawes call, *the Kings-bench*: and upon their new Acts of Parliament, made by a ninth part of the Members, the ſmall remnant or Junto of the Houſe of Commons; notwithſtanding, by *The*

Directory for Publique Worship, (established by both Houses) the Ministers are enjoyned *to pray for the King.* It is said that Monsieur *Paux* (one of the *Dutch Agents* here) hath advised *Cromwell, to stop the Ministers mouthes by hanging up a dozen of them;* and vouches *a president for it in the Low Countries.*

68. The Lords sent some Votes to the Commons for their cõcurrence.

Ian. 9. The Lords sate againe and passed some Ordinances, which they sent downe to the Commons for their concurrence, to feel their pulse whether they would vouchsafe to take so much notice of them; the Commons laid them aside after some expressions of disdaine.

69. Sergeant *Dandy* proclaimeth the sitting of the new H: Court of Iustice.

This day Sergeant *Dandy*, Sergeant at Armes to the Comissioners for Triall of His Majesty, rode into *Westminster-hall* with the Mace belonging to the House of Commons upon his shoulder; & some Officers attending him, all bare, and 6. Trumpetors on horsback before him, Guards of Horse & Foot attending in both the *Palace-yards*, the 6. Trumpetors sounded on horseback in the middle of the Hall, & the Drums beat in the *Palace-yards*, after which a Proclamation was read aloud by Mr. *King*, one of the Messengers of the said High Court of Justice, to this purpose; To give notice, that *the Commissioners were to sit to morrow, and that all those that had any thing to say against CHARLES STVART King of* England *might be heard.* The like was done in *Cheapside*, and at the *Old Exchange.*

70. The Gr: Seale voted to be broken.

This day the remainder of the House voted their Great Seale to be broken, in order to the making of a new one, justly putting the same affront upon their owne Seale, which they had formerly put upon the Kings. Upon these occasions Mr. *Pryn* (it is said)

71. Mr. *Pryns Memento* to the unparliamentary Iunto.

published his *Memento* to the unparliamentary Junto, therein telling the House, *That being forcibly secluded from the House by the Officers of the Armies violence, wherely he could not speake his mind to them freely* in, *or as the House of Commons, yet he would write his thoughts to them as private Persons onely under a force, consulting in the House without their fellow Members advice or concurrence, about speedy Deposing and Executing CHARLES their lawfull Soveraigne, to please the Generall, Officers, and Counsell of the Army, (who have usurped to themselves the Supreme Authority both of King and Parliament) or rather the Iesuits and Popish Priests among them.*

1. By

1. By the Common Law the *Stat.* 25. *Edw.* 3. and all other Acts concerning Treason, *It is High Treason for any man by overt act to compasse the death of the King, or his eldest Sonne, though never executed:* and so adjudged by Parliament in the Earle of *Arundels* Case, 21 *Ric.* 2. *Plac. Coronæ, n.* 4, 6, 7. *Cok. 5. Iustit. 4. l. Stamf. Pleas of the Crovvne, l. 1. c. 1, 2.*

2. In the Oath of Allegiance (which every man takes before he sits in Parliament) you acknowledge Him to be *lawfull and rightfull King of this Realme; and that the Pope neither of himself, nor by any authority of the See of* Rome, *or by any other meanes, with any other, hath any Power or Authority to depose the King, &c.*

3. Your selves amongst other Members, in above one hundred Remonstrances, Declarations, Petitions, Ordinances, &c. in the name of the Parliament have professed, *you never intended the least hurt, injury, or violence to the Kings Person, Crowne, Dignity, or Posterity; but intended to Him and His Posterity more Honour, Happinesse, Glory, and Greatnesse than ever any of His Predecessors enjoyed. That you would make good to the uttermost with your lives and fortunes the Faith and Allegiance you have alwaies borne to him. That all Contributions, Loanes, should be imployed onely to maintaine the Protestant Religion, the Kings Authority, Person, Royall Dignity, Lawes of the Land, Peace of the Kingdome, and Priviledges of Parliament. That the Forces raised by the Parliament were for defence of the Kings Person, and of both Houses. That the Parliament Will ever have a care to prevent any danger to His Person. That they are resolved to expose their lives and fortunes for maintenance of the Kings Person, Honour, and Estate, and the Power and Priviledges of Parliament,* when the King taxed the Houses for insinuating. *That if they should make the highest presidents of other Parliaments their patternes* (that is, Depose the King) *there could be no cause to complain of them:* Both Houses by two Declarations protested against it, saying, *That such thoughts never entred, nor should enter into their Loyall hearts.* Exact Collect p. 16. 19. 21. 59. 66. 83. 102. 103. 118. 123. 125. 141. 142. 143. 173. 180. 195. 219. 259. 281. 307. 380. 312. 360. 376. 457. A Collect. &c. p. 13. 18. 41. 43. 44. 49. 51. 61. 64. 96. 181. 182. 310. 321. 424. 425. 459. 599 623. 696. 806. 807. 879. Appendix p. 15. Exact. Collect. pag 298. 695. 696. 657. 658. 991.

4. By the Protestation, *they Declare in the presence of God to defend the Kings Person and Estate, and that their Armies under* Essex *and* Fairfax *were raised for that purpose* inter alia. Collect. of all Orders, p. 8. 13. 41. 43. 44. 49. 51. 61 64. 96 95. 623. 696. 879. Appendix pag. 15.

5. By the Nationall Covenant, *they vowed to defend the Kings Person and Authority in preservation of true Religion and Liberties*

of the Kingdome, and that they will all the daies of their lives continue in this Covenant against all opposition.

6. You monopolize *the Supreme power* into your owne hands, robbing both King, Lords, & the rest of your fellow Members thereof, whom you are content should be violently shut out by your Army, who have leavied Warre against the Parliament to dissolve it; till the removall of which force, and restoring your Members with freedome and safety, you ought not to sit or Act by your Armies owne doctrine in their Remonstrance, *Aug.* 18. & by the Declaration and Ordinance of both Houses, *Aug.* 20. 1647. Sec. 21. *R.* 2. *c.* 12. 1. *H.* 4. *c.* 3. 31. *H.* 6. *c.* 1. 39 *H.* 6. *c.* 1. See the memorable Record, 6 *E.* 3. *Parl. apud Ebor. n.* 1, 2. *dorso clauso.* 6 *E.* 3. *m.* 4. 6 *E.* 3. *apud Westm' Parl.* 2. *n.* 1, 13. *E.* 3. *Parl.* 2. *n.* 4. & many more Rolls, *Where Parliaments when any considerable number of Members of either House were absent, refused to sit* (though under no force) *till the Houses were full.*

Also, 15. *E.* 3. n 5. 17. *E.* 3. n. 2. 6. 18. *E.* 3. n. 1. 2. 5. &c. 1 *R.* 2. n. 1. 2. *R.* 2. n 1 3. *R.* 2. n. 1. 4 *R.* 2. n. 1. 5. *R.* 2. Parl: 1. n. 1. Parl. 2. n. 1. 8 *H.* 4. n. 28.

7. You have neither Law nor president for what you doe, *Edw.* 2. *Rich.* 2. were forced by *Mortimer* and *H.* 4. to resigne their Crowns in a formall way, one to his Sonne, the other to his conquering Successor, neither of them to the Parliament, and at last Deposed by a subsequent Sentence of Parliament, *as unfit to Reigne*, without any formall Triall.

* 72. The Armies party in the H: approve the matter of the Co: of Officers accusatory Ans: against the secured Memb: without hearing them See Mr. *Io: Geeres* Ans: to that silly Sophister *Io: Goodwin*, called, *Might overcomming right.*

* *Ian.* 11. 1648. The House read the Answer of the Generall Counsell of the Army, concerning the secured & secluded Members, and (as I have formerly said) without hearing what the said Members could say for themselves, approved the matter of it: whereupon the secured and secluded Members, 20. *Ian.* 1648. (with much adoe) got printed their *Vindication, against the Aspersions cast upon them in The humble Answer of the Generall Counsell of the Officers of the Army, concerning the securing & secluding of the said Members:* The summe whereof is as followeth:

73. The sec. & secl: Mem. Defence against the scandalous An: of the C: of W:

By the Preamble of this Answer, & by the Proposals of the 6. *Decemb.* and the late Declaration and Remonstrance therein cited, it appeares this designe *to breake the House by force* hath been long since plotted and contrived with action. The Generall Councell of the Army in their said Answer, say, *Is a course in it selfe irregular and not justifiable, but by honest intentions and extraordinary necessity:* the weaknesse of which Answer we must examine,

mine, but first must state the case between us: *They are an Army raised by Ordinance of Parliament, of* 15. Febr. 1644. *for defence of King and Parliament, the true* Protestant *Religion, the Lawes and Liberties of the Kingdome, and to be from time to time subject to such Orders and directions as they shall receive from both Houses of* Parliament: and to this end they stand Commissioned by them, and receive pay from them to this day. And besides this trust thus lying upon them, they are under the obligation of a solemne Covenant, sworn to God, *That they will in their place and callings, with sincerity, reality, and constancy with their estates and lives, preserve the Rights and* Priviledges *of the* Parliament, *and the Liberties of the Kingdome, and defend the Kings Person and Authority in defence of the true Religion, and Liberties of the Kingdome;* they being under the said trusts and Oath, march up to *Westminster* (contrary to order) in a hostile way, forcibly secured, secluded, & drove away many of the Members: the Question is, *Whether this Action be Iustifiable upon pretence of Honest intentions and Necessity?*

Their good intentions cannot be known but by their expressions and actions; and they referre us to their Propositals, Declarations, and Remonstrances, where we find their desires are:

1. *To take away the Kings life.*
2. *To take away the lives of the* Prince, *and the Duke of* Yorke; *at least to dis-inherit both them and all the Kings Children.*
3. *To put a period to this* Parliament.
4. *To set up a new Representative of their owne, which takes away all* Parliaments.
5. *To have an Elective King, if any.*

These are their Honest intentiõs for publique good, which must come in to justice their waging warre against their Masters this Parliament: To name them, is to confute them, as being apparently against the Lawes of God and the Land, under which they live, & which they are engaged to maintaine; we shall produce no other Witnesses to prove this but themselves. On the 15. of *Novemb.* 1647. *The Agreement of the People*, (which is lower in demands than these which they call, *Honest intentions for publique good*) was condemned by the Army. The promoting it in the

Army

Army judged *mutinous and capitall;* Col: *Rainsborough* and Major *Scot* complained of in the House for appearing in it; and the Paper it self adjudged by the House, *destructive to Government and the being of Parliaments.*

The second pretence or Principle is, *Extraordinary Necessity for the same end.*

To this we say, 1. The Army made the same plea of *necessity* in their Remonstrance, *June* 23. 1647. upon quite contrary grounds to what they expresse now, & both to justifie the same violent proceedings against the Parliament, then, when the King was seized upon by a Party of the Army (without Order from the House) & the Army advanced against the Parliament. They say in their Letter to the House, *July* 8. 1647. *There have been severall Officers of the Army upon severall occasions sent to his Majesty; the first, to present to Him a Copy of the Representations; and after that some others, to tender Him a Copy of the Remonstrance: upon both which, the Officers sent, were appointed to cleer the Sence and intentions of any thing in either, Paper, whereupon His Majesty might make any Question.* There the Army Treated with the King, yet now they offer violence to the Parliament for Treating with the King. Then in their Remonstrance, 25. *June*, 1647. they say, *We clearly professe, We doe not see how there can be any peace to this Kingdome firme and lasting without a due consideration of, and provision for the Rights, quiet, and immunities of His Majesties Royall Family, and His late Partakers*: now they judge the majority of the House corrupt for moving one step towards a peace with the King, though He hath now granted more to them then all the Armies Proposals then demanded of Him. Thus they make this generall *plea of necessity* serve to justifie the considerations; which they are put to by making themselves Judges of those things they have no calling to meddle with; for by what Authority are they Judges of publique Necessity?

Turne back to sect. 2. and see my Aniadversi: upon the Army, 20. *Nov*, 1648. p. 4, 5, 6, 7.

The Parliam: thought it not reasonable the King should be sole Iudge of publick necessity in case of Ship-mony. Return to sect. 18. where I set downe 6. of their Principles.

2. This Principle (*Necessity*) is destructive to all Government, for as the Generall Officer urgeth *necessity* for acting against the commands and Persons of his Superiours; and arrogates to be Judge of that Necessity, the Inferiour may urge the same Necessity (in his judgement) to act against the commands of his Generall. The Souldiers gainst their Officers: any other

20000.

20000. men in this Kingdome against this Army, and this Army (as against this Parliament) so against any other Representative or Government; and so *in infinitum*.

3. The Commons in Parliament are not accountable for the use of their trust to any but the House; being Trustees of the People not by Delegation, but by translation: all the power of the people being transferred to them for advising, voting, & assenting (according to their judgments, not according to the judgments of those that sent them) for otherwise the parties electing, and those elected, differing in judgement, one might protest against what the other had done, and so make void all Acts of Parliament. But if their Acts were valid or void at the Electors judgements, yet were the Members onely accountable to them that sent them, not to Strangers, and in no case to the Army; who are themselves but in subordinate trust to the Parliament for their defence.

The Commons have their Authority from the VVrit of Election, though their electiō from the people: See the VVrit, *Crompton's* Iurisdict: of Courts, Tit: Parliament.

4. This violence upon the Members, is not onely contrary to the Armies trust, but against their Covenant and Protestation: the breach whereof being a morrall evill cannot be made good by honest intentions and necessity.

The particulars of the said Generall Officers Answer, upon which this pretended Necessity is grounded, are six: but we must first take notice what is said from the end of the 2. pag. to the end of the 5. before we enter upon them: the summe is, *That by the endevors of some old Malignant Members, and by practises used in new Elections there came in a floud of new Burgesses that either are Malignant or Neuters.* To this we say, what is done by the majority, is the Act of the whole House; and what is done against the majority, is done against the whole House: nor was the Ordinance for New Elections carried on by old Malignants, unlesse the major part of the House were alwaies such, & before the new Elections. It is not hard to shew that many of the Officers of the Army came in upon the last Elections, & where chosen by those places where they are scarce known: upon what influence therefore they came in, let the world judge. And now for the said 6. particulars objected:

In all new Elections there were 2. Indepēdents chosen for one of any other principles, Indepēdents were thē Commissioners for the Great Seale, & delivered VVrits to men of their owne Party, who had the advantage to keep them, and chuse their owne time to deliver them: and Souldiers (under colour of keeping the peace) became great Sticklers in Elections.

The Army betrayed *Ireland* by their disobedience. They would neither go for *Ireland* themselves, nor suffer others to go, 1. part sect. 36. & 55. 57.

1. *The betraying of* Ireland *into the Enemies hands, by recalling the Lord* Lysle *from his command there, and putting the best part of the said Kingdome and where the Parliament had the strongest footing* (Munster) *into the hands of* Inchiquine *a Nataui Irish; Who hath since Revolted from the Parliament, hath lately united with the Irish Rebels; and with them and* Ormond *for the King.* To this we say, the Lord *Inchiquine* came in and brought *Munster* to the Parliament, and preserved their Interest in *Ireland*, in all the heat of their Warres in *England*, when they had little other Interest there, and lesse meanes to relieve them; the Lord *Lysle* was not recalled from his Command there, but his Commission for Lord Lieutenant expiring, 15. *April*, 1647. on the 17. *April*, he hoysed sayle for *England*: after the Lord *Lysles* returne for *England*, the Lord *Inchiquine* did gallant service against the Rebels, tooke many strong Holds from them, and won the Battle of *Knocke-knowes*, one of the greatest that ever was gotten of the Rebels. The House therefore approved of his behaviour untill 3. *April*, 1648. when (the Army having led the way) the Lord *Inchiquine* (taking distast thereat) by way of imitation, began to enter into Engagements and Remonstrances against the Parliament, (as it was then constituded) for which he made the Remonstrances, Engagements, and Declarations of the Army the Summer before, both the cause and precedent; as by the printed Relation doth appeare.

This Lo: went Ire, carried over 160000 l. for which he hath not yet accounted, began a quarrell with *Inchiquine* & put him into discontent, & then returned. See the Irish Letters & Papers to the House in print.

2. *The endeavours to bring in the King upon His owne Tearms, without satisfaction and security to the Kingdome*, viz: *upon His Message of the* 12. *of* May, 1647. *and to this end to Disband this Army before any peace made or assured.* To this we say, the House of Commons upon the first notice thereof, voted the said Engagement of the 12. of *May*, Treasonable; & by Ordinance, 17. *Decemb.* 1647. put an incapaciti upon such Citizens as had any hand in it, which evidenceth, we were here in a right majority, as in other parts of their Paper they take the Votes of the House to prove us *a corrupt majority*: The charge here lying in generall, and no- fixed upon any particular. Concerning *Disbanding the Army*; we say, the House voted 8. *Regiments of Foot*, 4. *of Horse*, *and* 1. *of Dragoones*, *to be sent out of the Army for* Ireland; and resolved to keep 10000. *Foot*, *and* 5400. *Horse under Command of the*

the Lord Fairfax *for defence of* England. This was, 1. For Relieving *Ireland*. 2. For easing the heavy pressures of the poor People in *England*. And 3. an honourable employment for the Forces of the Army, to prevent such higst distempers as have since ensued.

3. *That they endeavoured to protect the* 11. *impeacked Members from justice, and with them to raise a new Warre.* To this we say, we gave them no other protection than the Laws allowed them. For the mispending 200000l. designed for *Ireland*; we say, that 80000l. thereof was paid to *Nickolas Loftus*, and others, for service of *Ireland*, and above 500001. to the Treasurers at Warre for the Army; which may more reasonably be said to be mis-imployed (because the Army had an establisht pay another way) than what the Reformado Officers and Souldiers (who obeyed the Orders of the House for Disbanding) received, who nevertheless pressed upon the House the more earnestly for their Arreares, after the Declarations and Remonstrances published by the Army for paying the Arreares of all the Souldiers of *England*.

See my 1. part. sect. 16. 17, 18. & my said Animadversions, pag. 2. neither were they legally impeached. See *Ardua regni*, or twelve arduous doubts written in defence of the expulsed Memb: & the said Members Ans. to the Armies Charge.

4. *Their countenancing, abetting, and partaking with the Tumult of Apprentices, and others against both Houses of Parliament.* To this we say, that we wonder they should urge the force offered to the House then (which they declared, *horrid and treasonable*) to justifie the violence acted upon the House by themselves, of a much higher nature. This is a meer fiction of the Pen-mans, which we doe every one of us for our selves respectively deny.

There was a close Inquisition of Godly Cut-throats purposely chose to examine this Tumult; which proceeded illegally, & used so much foule play as to accuse men upon characters of their clothes & persons; yet malice it selfe could find nothing. See my 1. part. sect. 45, 46. to sect. 54. Return to sect. 2. & 5.

5. *The holding correspondency, ingaging, and assisting the tumultuous Petitioners last Spring, the rebellious Insurrections in* Kent, *the Revolted Ships, Prince of* Wales, *with the Scots Army:* We doe every one of us for our selves respectively deny these.

6. *That when the Army was dispensed and engaged in severall parts, &c. and many faithfull Members employed abroad upon publique services; and others through Malignant Tumults about this City, could not with safety attend the House. Then the corrupt and Apostating Party taking advantage of these distractions which themselves had caused: First, recalled in those Members, &c. Then they recalled those Votes for Non-Addresses, and voted a Personall Treaty.* To this we say, that if the procedings of the Treaty were surreptitiously

reptitiously gotten in a thin House, why do they then complain in other parts of their Paper, *that the majority of the House is corrupt, and formed to serve the Kings corrupt Interest*? why did they force from the House above 200. Members at once; the Counties never expressed so high contempt of the Parliament, untill the like had been first done by the Armies quartering upō them?

Return to sect. 2. & 5. there see the true grounds of these Tumults. See vvhatuse they make of *providence* in the 2. part of *Englands* nevv Chaines.

And now let us come to that Vote of the House, 5. *Dec.* 1648. *That the Kings Answer to the Propositions of both Houses are a ground to proceed upon to a setlement of Peace*: of which they say, *That though they advanced hither to attend providence for opening some way to avoid the present evils designed, and introduce the desired good into the Kingdome, yet they said nor acted nothing in relation to the Parliament, nor any Member thereof, untill by the Vote passed*, Decemb. 5. *they found the corrupt majority so resolvedly bent to compleat their Designe in bringing in the King.* Doe they call their threatning Declaration & Remonstrance a saying nothing? and their marching up against the House, contrary to the Order of the House, a doing nothing in relation to the Parliament? But by these words it appeares that this Vote, 5. *Decemb.* is the very point of that necessity they now relie upon to justifie their force upon the House: For, before that passed, they say, *They acted nothing, &c.* we must now state the difference between the Houses Propositions, and the Kings Answers; and see whether the King did not grant all those Propositions in which te maine security of the Kingdome resteth.

See Mr. *Pryn's* said Speech in the House, 4. *Decemb.* 1648. more at large.

He granted the first Proposition *for taking off all Declarations*; as was desired.

And the third Proposition *for the Militia*, as was desired.

He assented to *the Proposition for* Ireland; *limiting the time of the Parliaments disposing Officers there to* 20. *yeares.*

He consented to such Acts *for publique Debts and Publique Vses, as should be presented within* 2. *yeares, and incurred within that time.*

Hee granted the Proposition *concerning Peeres*, as was desired.

Hee granted the *Disposing Offices in* England, *to the Parliament, for* 20. *yeares.*

He granted *the taking away the Court of Wards; having* 100000*l.*

per

per ann. *in lieu thereof to be raised as the Parliament should thinke fit.*

Hee granted *to Declare against the Marquesse of* Ormond's *power and proceedings after an Agreement with the Parliament.*

The onely difference therefore remained upon two Propositions:

1. *Delinquents.*
2. *The Church.*

For Delinquents, though He doth not grant all, His Majesty consented *they shall submit to moderate Compositions, according to such proportions as they and the two Houses shall agree.*

2. He disableth them *to beare Offices of Publique Trust, and removes them from the Kings, Queens, and Princes Court.*

3. For such as the Houses propounded *to proceed capitally against,* He leaves them to a Legall Tryall; and Declares, *He will not interpose to hinder it:* which satisfies the maine complaint of the Parliament, which was (in the beginning of the Warre) *That the King protected Delinquents from justice.* And all that the House desired in the Propositions presented to Him at *Oxford, Febr.* 1642. was, *That His Majesty would leave Deliquents to a Legall Tryall and Iudgement of Parliament.* But that His Majesty should joyne in an Act for taking away the Lives or Estates of any that have adhered to Him (He truly professeth) *He cannot with Iustice and Honour agree thereto.*

4. Nor doe we see how Delinquents (being left to the Law) can escape justice, the King having granted the 1. proemiall Proposition, & (so by a Law) acknowledged the Parliaments Cause and Warre to be just.

For the Church. The Houses propound the utter *abolishing of Archbishops, Bishops, &c. The Sale of their Lands, that Reformation of Religion be setled by Act of Parliament as both Houses have, or shall agree.* The Kings Answer takes away Church-Government be Archbishops, Bishops, &c. by taking away their Courts and Officers, and so farre takes away their power of Ordination that it can never be revived againe but by Act of Parliament, so that Episcopacy is divested of any actuall being by the Law of the Land, & instead thereof the Presbyterian Government setled for three yeares by a Law; which is for so long a time as the

Houses formerly in their Ordinances presented to Him at *Newcastle* did themselves thinke fit to settle it: For the Sale of Bishops Lands upō the Publique Faith; we say, That although the Purchagers might well have afforded to have given the same rates for their purchases (which they now give) if they might have had them assured by Act of Parliament for 99. yeares, and such moderate Rents reserved as the King intimates in his Answer; yet (in His Answer) He expresseth a farther satisfaction to be given them: upon which we should have insisted, notwirhstanding the said Vote.

Every cheating Saint of the Faction must have the Publique Faith exactly kept, though he bought the Lands but at 2. or 3. yeares just value, and with such monies as he had formerly cheated the State off; when other men who have lost the best part of their Estates by and for the Parliament, for compensation whereof they have the Publique Faith engaged by Ordinances, are consumed by Taxes, and repayed with reproaches onely.

5. *Decemb.* 1648. We farther alleage, That the King having granted the rest of the Propositions, and so much in these 2. Delinquents, and the Church; the Nationall Covenant doth not oblige us to make Warre upon this point: nothing can make Presbytery (nor the Purchasers of Bishops Lands) more ordious, nor endanger them more, than to make them the sole obstacle of peace; nor could any thing more worke the King to comply with our desires herein, than for us to draw a little neerer Him.

The Considerations leading us to passe the said Vote, 5. *Dec.* 1648. come next to be considered:

1. *The saving of* Ireland.
2. *The Regaining the Revolted Navy and freedome of the Seas.*
3. *The support of the Auncient Government of the Kingdome.*
4. *The putting the people into a secure possession of their Laws and Liberties.*
5. *The avoiding such evill consequences as were apparently to follow a Breach with the King.*

Returne to sect. 71.

As 1. the Deposing the King, if not the depriving Him of life: whereupon flouds of misery will follow, and schandall to the Protestant Religion, which we (from our hearts) detest & abhorre: see the many Declarations of Parliament against it.

2. The necessitating of the Prince to cast himselfe into the Armes of forreigne Popish Princes, & embrace Popish Allyances for his succour.

3. It

3. It may beget a change of Government, and a laying aside of Monarchy here: and so a Breach with *Scotland*, and this Kingdome (being the more rich) likely to be the Seate of the Warre.

4. The vast Debts of this Kingdome upon the Publique Faith, will never be paid in Warre, but increased and multiplied: multitudes of Sufferers by, and for the Parliament like to be repayed onely with new sufferings, & every years Warre destroies more Families, and makes more Malignants through discontenting pressures: untill at last the Souldier seeing no hope of pay, the People no hope of peace and ease, fall together into a generall and desperate tumultuousnesse; the power of the Sword apparently thereatning a dissolution of Governement both in Church and Common-wealth.

To that scandalous Objection, which saith, *The corrupt majority will not lend an eare to admit a thought towards the laying downe their owne power, or rendring it back to the People from whom they received it.* We say, this Objection is unreasonable from men who endeavour to perpetuate an Army upon the Kingdome: nor is the continuance of this Parliament singly objected, but that they will not render it back to the People, *viz:* To a new Representative, invented and made by the Army, that is, We will not render our power into the hands of the Army.

Another Objection is, *That whatsoever the King granted, He might plead Force to breake it, and spoyle us by policy.* This Objection might have been made against all our Treaties: If there be any Force, it is from the Army, for spoyling us by policy. The Kings of this Land could never encroach upon our good Lawes, but by corrupt Iudges and Ministers, who though they could not abrogate the Law, made it speake against it selfe, and the intended good of the People; or else by the power of Courtiers, stopping the course of justice at the Councell Table; and in other Arbitrary Courts: both which are taken away by the Kings Concessions.

1. *That the Nomination of Iudges and Officers be in the Parliament.*

2. *That the King make no new Parliament Lords for the future to Vote there.*

Another

Another Objection is, *That they had intelligence, that had they been suffered to meet all in the House once more, it was designed to have passed some higher resolutions, to lay farther foundations of a new quarrell, so as to carry therein the name and countenance of Parliamentary Authority together with the Kings, upon an acceptable pretence of Peace, to draw men in, and then to have adjourned the Parliament for a long time, excluding all remedy in this case but by another Warre.* To this we say, the House immediatly upon passing the Vote, 5. *Decemb.* Sent a Committee to the Generall to conferre with him and his Officers, and keep a good correspondency with them: To which, the Generall promised his readinesse; howsoever it was hindred afterwards. And then they seized upon one of the Commissioners appointed to Treat, affronted another, and left no way free for a Conference, which shewes they were resolved to doe what they had designed.

For this you must take the faith of the mysty-brayned Pen-man, who had this (as well as many other grosse Lies) by Revelation. The Army had had the King in their power, and had the Parliament adjourned, the sole power of the Kingdom had been left in the Army; which is a thing aymed at by them.

The last Obj. is, *That those Members that are yet detained in Custody, are either such as have been formerly Impeached, and* (in part) *judged by the House for Treason, and other Crimes, and never acquitted, and against whom they can, and very shortly will produce new matter of no lesse crime; or else such who have appeared most active and united in Councels with them: against whom also they are preparing, and shall shortly give matter of particular Impeachment.* To this we say, that when it appeares what those crimes are, and what persons are charged with them, we doubt not but they will sufficiently acquit themselves, if things may be Legally carried in a judiciall way by competent Judges not preingaged. In the meane time we conclude, That Souldiers, whose advantages arise by Warre, are not fit to judge of the Peace of the Nation.

74. A Declaratiõ by Mr. *Walker*, and Mr. *Pryn*.

The 19. *Jan.* 1648. Mr. *Pryn*, and Mr. *Walker*, (two of the secured Members) published in print their Declaration and Protestation, against the Actings and proceedings of the Army and their Faction now remaining in the House of Commons: as followeth:

A Declaration and Protestation of Will: Pryn, and Clem: Walker, *Esquires; Members of the House of Commons; Against the present Actings and Proceedings of the Generall, and Generall Councell of the Army, and their Faction now remaining and sitting in the said House.*

WHereas long since, for ease of the People, both Houses in a full & free Parliament Voted the Disbanding of this Army: in opposition to which, some great Officers of the said Army, (to continue their rich Commands) with some Members of the House of Commons, (who daily inrich themselves by the troubles of the times) secretly mutinied the Army against the Parliament. And whereas, lately the farre major part of the House of Commons, pitying the bleeding condition, and teares of the oppressed People, Voted, and entred into a Personall Treaty with the King: without which (by the Armies own confession in their Remonstrance at Saint *Albons*, *p.* 64.) there can be no peace; which the Army interrupted by obtruding upon the Commons a treasonable Remonstrance, 20. *Novemb.* 1648. tending to destroy the King, and His Posterity, and wholly to subvert all Parliaments, Religion, Lawes, & Liberties for ever; whereby the Commons in Parliament found it absolutely necessary to prevent such pernitious innovations, by cōcluding a safe peace with His Majesty; whereupon (after mature debate) the House of Commons the 5. *Decemb.* 1648. Voted, *That the Kings Answer to the Propositions of both Houses upon the Treaty, were a ground for the Houses to proceed to the setlement of a safe and well-grounded Peace*: Upon which, the Generall, and Councell of Warre, Wednesday morning, 6. *December*, 1648. Seized & Imprisoned 41 of the Members going to the House of Commons to doe their Duty, secluded above 160. other Members, besides 40. or 50. Members who voluntarily withdrew themselves to avoid their violence, leaving onely their owne engaged party of 40. or 50. Members sitting, who now passe Acts of Parliament of the House of Commons (as they call them) without the Lords; and comply with the said Councell of Warre, to carry on the said Remonstrance: To which purpose this present remnant of the Com-

Commons have unvoted in a thin House, under the force of the Army, what was deliberately Voted in a full and free House; whereas by their owne Ordinance passed upon the Tumult of Apprentices, 20. *August*, 1647. to null, and make void *ab initio*, all Acts, Orders, Votes, &c. passed under the said force: This remaining Party ought not to sit, act, nor take upon them the style af a House, under so visible, actuall, and horrid a Force.

The premises considered, We, whose names are hereunto subscribed, Members of the House of Commons, doe declare & protest, That the said Generall, Commissioned Officers, & Generall Councell of the Army, by the said act of violence, upon the major part of the House, which legally and virtually is the whole House, have waged Warre, and Rebelled against the Parliament their Masters, who raised them to defend the Priviledges of Parliament, & the Kings Person & Authority, in defence of Religion, Lawes, & Liberties, and have thereby forfeited their Commissions, and have broken and dis-continued this Parliament; so that, untill this force be removed, punished, the Honour of the Parliament and their wronged Members vindicated, and all the Members resummoned, all the Votes, Orders, & Actings, Passed, and to be Passed by this nominall House of Commons, are, and will be void, *ab initio*, and all such as doe, or shall obey them, are and will be punishable, both by the Armies owne judgment in their Remonstrance, *August* 18. and by the Houses Declaration, and the said Ordinance, 20. *August*, 1647.

We doe farther declare & protest against this present House of Commons illegall Acts, Order, or Ordinance, for erecting a High Court of Justice, & usurping a power without any Law or president, to Trie, Depose, and bring to capitall punishment the King, and to Dis-inherit His Posterity, or any of them, and against the said Generall Councell of Officers, aiding and abetting them therein, as highly impious against the Law of God, Nations, & the Protestant Profession, Traytors against the *Stat.* of Treasons, 25. *Edw.* 3. and against all Lawes and our Statutes; perjurious and perfidious, against the Oaths of Allegiance, Supremacy, Nationall Covenant, and Protestation; all the Parliaments Declarations & Remonstrances held forth to the world; their Treaties and promises made to the *Scots* when they delivered

vered the Kings Person into our hands; against our promises made to the *Hollanders*, and other Nations, and against all the Professions, Declarations, Remonstrances, and Proposalls made by this Army, when they made their Addresses to the King at *New-market*, *Hampton-Court*, and other places.

January 19. 1648. *William Prynn.*

Clem: Walker.

About this time the Generall Councell of Officers at *White-Hall*, ordered, *That two Petitions* (or mandates rather) *should be drawn, and presented to their House of Commons; One against Payment of Tythes; the other, for Repealing the Act for Banishment of the Iewes.* Here you see they shake hands with the Jewes, and crucifie Christ in his Ministers, as well as in his Anointed, the King.

75. The Counsel of Officers order 2. Petit: for the Com: House, 1. against Tyths, 2. against the Stat. for Banishing the Iewvs.

About this time Col: *Tichburne*, & some schismaticall Common-Councell-men, presented a Petition to the supreme Authority the Commons in Parliament, demanding *justice against all grand and capitall Actors in the late Warres against the Parliament from the highest to the lowest: the Militia, Navy, and all Places of power to be in faithfull hands*, (that is, in their owne Faction, all others being displaced under the generall notion of Disaffected) *to settle the Votes*, (*That the supreme Authority is in the Commons in Parliament assembled.*) They complained, *That the Lord Mayor, and some Aldermen, denied to put their Petition to the Question at the Common Councell, and departed the Court, With the Sergeant and Town-Clerke, That the Court afterwards passed it Nemine contradicente.* The Commons thanked the Petitioners (for the tender of their assistance) and Ordered, *That the Petition should be entered amongst the Acts of the Common Councell, and owned them for a Common Councell notwithstanding the departure of the Lord Mayor, &c.* And about foure or five daies after, the Commons Ordered, * *That any six of the Common Councell, (upon emergent occasions) might send for the Lord Mayor to call a Common Councell themselves, and any forty of them to have power to Act*

76. Col. *Tichburnes* Pet: and Complaint against the Ld. Mayor, & their Orders thereupon. The like Petitiõs vvere invited from most Counties, vvhere a dozen Schismaticks and two or three Cloaks represẽted a vvhole County.

*See a just & solemne Protest: of the free Citizens of *London*, against the Ordinance, 17. *Decemb.* 1647. disabling such as had any hand in the City Engagement to beare Offices.

as a Common Councell without the Lord Mayor, any thing in their Charter to the contrary notwithstanding. Thus you see the Votes of this supreme thing (the House of Commons) are now become the onely Lawes and Reason of all our actions.

77. An Act passed for adjournment of part of *Hillary Terme*, and the Lords concurrence rejected.

The 16. *Jan.* 1648. was passed an Act of the Commons *for adjournment of Hillary Terme for forty daies.* This was in order to the Kings Triall, but the Commissioners of the Great Seale, declared, *That they could not agree to seale Writs of Adjournment without the Lords concurrence*, (the assent of one Lord being requisite) their tame Lordships sent downe to the Commons to offer their readinesse *to joyne therein.* But the Commons having formerly Voted, *The Supreme Power to be in themselves as the Peoples Representative, and that the Commons in every Committee should be empowered to Act without the Lords.* The Question was put, *Whether the House would concurre with the Lords herein?* which passed in the *Negative:* so the Lords were not owned. Afterwards they ordered, *that the Commoners (Commissioners for the Great Seale) should issue forth Writs without the Lords.*

78. *The Agreement of the People* presented to the House of Commons by the Officers of the Army. *Diurnall*, from *Jan.* 15. to 22. 1648. nu. 286.

20. *Ianuary*, Lieut. Generall *Hammond*, with many Officers of the Army, presented to the Commons from the Generall and Councell of the Army, a thing like *a Petition*, with *The Agreement of the People*, annexed. Mr. Speaker *thanking them*, desired them *to returne the hearty thanks of the House to the Generall and all his Army for their gallant services to the Nation; and desired the Petition and Agreement should be forthwith printed, to shew the good affection between the Parliament and Army.* I cannot blame them to brag of this affection, being the best string to their bowe. About this time some wel-meaning man (that durst think truth in private) published his thoughts under the Title of [*Six serious Quæries, concerning the Kings Triall, by the High Court of Iustice.*]

79. 6. Quæres concerning the Kings Triall by the new High Court of Iustice.

1. Whether a King of three distinct Kingdoms can be condemned & executed by one Kingdom alone, without the concurrent consent, or against the judgement of the other two?

2. Whether if the *King* be indicted or arraigned of *high Treason*, he ought not to be tried by his Peers? & whether those who are now nominated to trie him, or any others in the Kingd: be his Peers?

3. Whether if the King be triable in any Court, for any Treason against the Kingdome, He ought not to be tried onely in full

Parlia-

Parliament, in the most solemne and publique manner, before all the Members of both Houses, in as honourable a way, as *Strafford* was, in the beginning of this Parliament? And whether He ought not to have liberty and time to make His full defence, and the benefit of his learned Counsell, in all matters of Law, that may arise, in, or about his Triall, or in demurring to the jurisdiction of this illegall new Court, as *Strafford* and *Canterbury* had?

4. Whether one eight part only of the Members of the Commõs House, meeting in the House, under the Armies force, when all the rest of the Members are forcibly restained, secluded, or scared away by the Armies violence, and representing not above one eight part of the Counties, Cities, & Boroughs of the Kingdome, without the consent & against the Vote of the majority of the Members, excluded and chased away, and of the House of Peeres, by any pretext of Authority, Law, or Justice, can erect a New great Court of Justice to Trie the King, in whom all the rest of the Members, Peeres and Kingdome (being far the major part) have a greater interest then they? Whether such an High Court can be erected without an Act of Parl: or at least an Ordin: of both Houses, and a Commission under the Great Seal of *England*? And if not, whether this can be properly called a Court of Justice? and whether it be superiour or inferiour to those who erected it? who either cannot or dare not trie and codemn the King in the Com: House; though they now style it, *The Supreme Authority of the Kingdom:* & whether all who shall sit as Judges, or act as Officers in it, towards the Deposing or taking away the Kings life, be not realy guilty of High Treason, and all those who were aiding or assenting to the erection thereof in such an irregular manner, by the Lawes and Statutes of this Realme?

5. Whether those who are professed Enemies to the King, & by their Remonstrances, Speeches, & actions, professe they desire his bloud & seek his life, can either in Law or Conscience be reputed competent Judges to trie him for his life? It being a just exception to any Jury-man, who is to trie the basest or poorest Felon, and a legall challence for which he must be withdrawne; that he is a professed Enemy and Prosecutor who seeks his life, and therefore no lawfull nor indifferent Trier of him for it.

6. Whether the triall and taking away of the Kings life by

ſuch an illegall and arbitrary High Court of Iuſtice, as this, will not prove a moſt dangerous inlet, to the abſoluteſt tyranny and bloudieſt butchery ever yet heard of, or practiſed in this, or any other Nation? & a ready way to teach us, how to chop off one anothers heads, till we are all deſtroyed? For if they may take away the Kings head in it without, and againſt all rules of Law: then by the ſame or ſtronger reaſon, they may in like manner chop off the heads of any Noblemã, Peere, Member, Gentleman, or inferiour Subject for any imaginary treaſon or offence, and confiſcate their Eſtates, there being no aſſurance they will ſtop at the Kings: And if thoſe who are confeſſed to be the majority of the Com: Houſe, & therefore excluded, or the Prince of *Wales* next Heir to the Crown, or the Malignant party, or any other Faction whatſoever which may ariſe, ſhould at any time hereafter get the upper-hand by the Peoples general adhering to them, or any diviſions of the Army, or by any meanes Gods providence ſhould adminiſter (who hath thouſands of wayes to pull downe the proudeſt Tyrants, & diſſipate the ſtrongeſt Armies in a moment, as he did *Senacharibs*, the Midianites, the Moabites, and Ammonites, with ſundry others recorded in ſacred Writ, and prophane Stories, and the Scots Army but few months ſince) they may by like authority and preſident erect the like new Court, to cut off the heads of all the Members now ſitting, and of the preſent Generall Councell of the Army, and all the Commiſſioners acting in this new Court; and ſo fall a murthering and butchering one another, till we were all deſtroyed one by another, and made a ſpectacle of moſt unnaturall tyranny and cruelty to the whole world, Angels, and Men, and a prey to our common Enemies. Upon which conſideration, let every man now ſeriouſly lay his hand upon his owne breaſt, & ſadly conſider what the bloudy tragicall iſſue of this new *Phaleris* Bull, may prove to him or his; and whether every Free-borne Engliſh-man (eſpecially of Nobleſt birth, & ampleſt Eſtate) be not deeply obliged in point of prudence and conſcience to uſe his utmoſt endeavour with hazard of life and eſtate, to prevent the erection of ſuch an exorbitant & illegall Authority, in the very riſe and foundation, ere it be over-late; & not patiently ſuffer a raſh inconſiderate number of Hotſpurs (of meane condition

The Anſwer of the Generall Councell of Officers, touching the ſecluded Members, *Ian.* 3. 1648.

and

and broken desperate fortunes for the most part) out of private malice, feare, or designes to secure and enrich themselves by the ruines of others of better fortunes and quality; to set up such a new shambles to butcher and quarter the King, Nobles, Parliament-men, Gentlemen, and persons of all conditions, as was never heard of among Pagans or Christians, from the Creation to this present, and will no way suite with our English soile, already overmuch watred with English bloud; and so deeply ingaged against all arbitrary and tyrannnicall usurpations & proceedings (especially capitall) in any hands whatsoever, which have cost us so much bloud and treasure to oppose and fight against for seven yeares last past.

§0. The first dayes Trial of his Majesty.

Saturday, *Ian.* 20. 1648. The new thing called *The High Court of Iustice* sate: *Bradshaw* being President, who had the Mace & Sword carried before him, & 20. Gentlemen (forsooth) with Partisans for his Guard, under the command of Colonel *Fox* the Tinker. An *O yes* being made, and *silence* commanded: the said Act of the Commons for erecting the said Court was read, and the Court called, there being about 70. of the Commissioners present. Then the King was brought to the Bar by Col: *Hacker* with Halberdeers, the Mace of the Court conducting Him to his Chaire within the Barre, where he sate. And then Pres. *Bradshaw* said to the King, *Charles Stuart King of* England; *The Commons of* England *assembled in Parliament being sensible of the great calamities brought upon this Nation, and of the innocent bloud shed (which are referred to you as the Author of it) according to that duty which they owne to God, the Nation, and themselves, and according to that power and fundamentall trust reposed in them by the People; have constituded this High Court of Iustice, before which you are now brought, and you are to heare your Charge upon which the Court will proceed.*

Prove this powver & trust: The vvhole Kingdome (in effect) denv it. So doe all our Lavv-Books, & the practice of all Ages.

Solicitor *Cooke. My Lord, in behalfe of the Commons of* England, *and of all the People thereof, I doe accuse* Charles Stuart *here present of High Treason and misdemeanours, and I doe in the name of the Commons of* England *desire the Charge may be read unto him.*

The King. *Hold a little.*

President. *Sir, the Court commands the Charge to be read; afterwards you may be heard.* The Charge was read, as followeth:

The

The Charge against King Charles *the First, January* 20. 1648.

The Charge read.

THat the said CHARLES STUART, being admitted King of *England*, and therein trusted with a *limited Power*, to Govern by, & according to the Lawes of the Land, and not otherwise: And by his Trust, Oath, and Office: being obliged to use the power committed to him, *For the good and benefit of the people*, and for the preservation of their Rights and Liberties; yet nevertheless, out of a *Wicked Design*, to erect and uphold in himself an unlimited and tyrannicall power, to rule *according to his Will*, and to overthrow the Rights and Liberties of the People; Yea, to take away, and make void the foundations thereof, and of all redresse & remedy of mis-government, which by the fundamentall Constitutions of this Kingdom, were reserved on the peoples behalf, in the right & power of frequent and successive Parliaments, or Nationall meetings in Councell; He, the said *Charles Stuart*, for accomplishment of such his *Designes*, & for the protecting of himselfe and his Adherents, in his and their *Wicked Practises* to the same Ends, hath trayterously and malitiously levied Warre against the present Parliament, & the People therein Represented.

Particularly, upon or about the thirtieth day of *Iune*, in the yeare of our Lord, one thousand six hundred forty and two, at *Beverly*, in the County of *Yorke*: & upon, or about the thirtieth day of *Iuly*, in the yeare aforesaid, in the County of the City of *Yorke*: & upon, or about the twenty fourth day of *August*, in the same yeare, at the County of the Towne of *Nottingham* (when, & where he set up his Standard of Warre:) & also on, or about the twenty third day of *October*, in the same yeare, at *Edgehill*, and *Keinton-field*, in the County of *Warwicke*: and upon, or about the thirtieth day of *November*, in the same yeare, at *Brainceford*, in the County of *Middlesex*: & upon, or about the thirtieth day of *August*, in the yeare of our Lord, one thousand six hundred fourty & three, at *Caversham-bridge*, neer *Reading*, in the County of *Berks*: & upon, or about the thirtieth day of *October*, in the yeare last mentioned, at, or neer the City of *Glou-*

cester:

ceſter: And upon, or about the thirtieth day of *November*, in the year laſt mentioned, at *Newbury*, in the County of *Berks:* And upon, or about the one and thirtieth day of *Iuly*, in the year of our Lord, one thouſand ſix hundred forty and four, at *Cropredy-bridge*, in the County of *Oxon:* And upon, or about the thirtieth day of *September*, in the year laſt mentioned, at *Bodmin*, and other places neer adjacent, in the County of *Cornwall:* And upon, or about the thirtieth day of *November*, in the year laſt mentioned, at *Newbury* aforeſaid: And upon, or about the eight day of *Iune*, in the year of our Lord, one thouſand ſix hundred forty and five, at the Towne of *Leiceſter:* And alſo, upon the fourteenth day of the ſame moneth, in the ſame year, at *Naſeby-field*, in the County of *Northampton*. At which ſeverall times and places, or moſt of them, and at many other places in this Land, at ſeverall other times, within the years aforementioned: And in the yeare of our Lord, one thouſand ſix hundred forty and ſix, He, the ſaid *Charles Stuart*, hath cauſed and procured many thouſands of the free-people of the Nation to be ſlaine; and by Diviſions, Parties, and Inſurrections, within this Land, by invaſions from forraigne parts, endeavoured & procured by Him, and by many other evill waies and meanes. He the ſaid *Charles Stuart*, hath not only maintained and carried on the ſaid Warre, both by Land and Sea, during the years before mentioned, but alſo hath renewed, or cauſed to be renewed, the ſaid Warre againſt the Parliament, and good people of this Nation, in this preſent yeare, one thouſand ſix hundred forty and eight, in the Counties of *Kent*, *Eſſex*, *Surrey*, *Suſſex*, *Middleſex*, and many other Counties and places in *England* and *Wales*, and alſo by Sea. And particularly, He the ſaid *Charles Stuart*, hath for that purpoſe, given Commiſſions to his Sonne, the Prince, and others; whereby, beſides multitudes of other Perſons, many ſuch, as were by the Parliament intruſted and employed, for the ſafety of the Nation; being by Him or is Agents, corrupted; to the betraying of their Truſt, and revolting from the Parliament, have had entertainement and commiſſion, for the continuing and renewing of Warre and Hoſtility; againſt the ſaid Parliament and People, as aforeſaid. By which cruell and unnaturall Warres by Him, the ſaid *Charles Stuart*, levyed, continued, and renewed, as

aforesaid, much Innocent bloud of the Free-people of this Nation hath been spilt, many Families have been undone, the Publique Treasury wasted and exhausted, Trade obstructed, and miserably decayed; vast expence and damage to the Nation incurred, and many parts of the Land spoyled, some of them even to desolation.

And for further prosecution of His said evill Designes, He, the said *Charles Stuart*, doth still continue his Commissions to the said Prince, and other Rebels and Revolters, both English and Forraigners; and to the Earle of *Ormond*, and to the Irish Rebels and Revolters, associated with him; from whom further Invasions upon this Land are threatned, upon the procurement, and on the behalf of the said *Charles Stuart*.

All which wicked Designes, Warres, and evill practises of Him, the said *Charles Stuart*, have been, and are carried on, for the advancing and upholding of the Personall Interest of Will and Power, and pretended Prerogative to Himself and his Family, against the publique Interest, Common Right, Liberty, Justice, and Peace of the People of this Nation, by, and for whom He was entrusted, as aforesaid.

By all which it appeareth, that He, the said *Charles Stuart* hath been, and is the Occasioner, Author, and Contriver of the said unnaturall, cruell, and bloudy Warres, and therein guilty of all the treasons, murthers, rapines, burnings, spoiles, desolations, damage and mischiefe to this Nation, acted or committed in the said Warres, or occasioned thereby.

And the said *John Cooke*, by Protestation (saving on the behalf of the People of *England*, the liberty of Exhibiting at any time hereafter, any other Charge against the said *Charles Stuart*; and also of replying to the Answers which the said *Charles Stuart* shall make to the premises, or any of them, or any other Charge that shall be so exhibited) doth for the said treasons & crimes, on the behalfe of the said People of *England*, Impeach the said *Charles Stuart*, as a Tyrant, Traytor, Murtherer, and a publique and implacable Enemy to the Common-wealth of *England*: And pray, That the said *Charles Stuart*, King of *England*, may be put to answer all & every the premises, That such Proceedings, Examinations, Tryals, Sentence, and Judgement may be thereupon had, or shall be agreeable to Justice.

The

The King smiled often during the reading of the Charge, especially at these words: *Tyrant, Traytor, Murderer, and publique Enemy of the Common-Wealth.*

President. *Sir, you have now heard your Charge, you find that in the close of it, it is prayed to the Court in the behalfe of the Commons of* England, *that you answer to your Charge, which the Court expects.*

King. *I would know by what power I am called hither? I was not long agoe in the* Isle of Wight; *how I came there is a longer story than I thinke fit at this time for Me to speake: But there I entered into a Treaty with both Houses of Parliament, with as much faith as is possible to be had of any People in the World; I Treated there with a number of Honourable Lords and Gentlemen, an treated honestly and uprightly, I cannot say but they did very nobly with Me; We were upon a Conclusion of the Treaty. Now I would know by what lawfull Authority* (there are many unlawfull Authorities, Thieves and Robbers on the Highway) *I was brought from thence, and carried from place to place?* (and I know not what) *and when I know by what lawfull Authority, I shall Answer. Remember I am your King, your lawfull King, and what sinnes you bring upon your owne heads, and the judgment of God upon this Land, think well upon it, thinke well upon it, I say, before you go on from one sinne to a greater; therefore let Me know by what lawfull Authority I am seated here? and I shall not be unwilling to Answer. In the meane time I shall not betray My trust: I have a trust committed to Me by God, by old and lawfull discent; I will not betray it to Answer to a new unlawfull Authority.*

Bradshaw Pres. *If you had been pleased to have observed what was hinted to you by the Court at your first coming hither, you would have knowne by what Authority: Which Authority requires you in the name of the People of* England, *of whom you are Elected* KING, *to answer them.*

King. *I deny that.*

Bradsh. *If you acknowledge not the Authority of the Court, they must proceed.*

King. *I doe tell them so,* England *was never an Elective Kingdome, but an Hereditary Kingdome, for neer these thousand yeares: Therefore let Me know by what lawfull Authority I am called hither?*

I doe stand more for the Liberty of My People then any here that come to be My pretended Iudges: and therefore let Me know by what lawfull Authority, and I Will Answer, otherwise I Will not Answer.

Brash. *Sir, How really you have managed your trust is known: your Way of Answer is to interrogate the Court, which beseemes not you in this condition; you have been told of it twice or thrice.*

King. *Here is Lieut.* Colonell Cobbet, *aske him, if he did not bring Me from the* Isle *of* Wight *by force? I doe not come here as submitting to the Court; I Will stand as much for the Priviledge of the House of Commons, rightly understood, as any man here whatsoever; I see no House of Lords here that may constitute a Parliament, and (the King too) should have been.* Is this the bringing the King to His Parliament? Is this the bringing an end to the Treaty on the publique Faith? *Let Me see a Lawfull Authority warranted by the Word of God, the Scriptures, or by the Constitutions of the Kingdome. I Will not betray My Trust, nor the Liberties of the People; I am sworne to keep the Peace by that duty I owe to God, and My Country; and I Will doe it to the last breath in My body. As it is a sinne to withstand Lawfull Authority, so it is to submit to a Tyrannicall, or any otherwise unlawfull Authority.*

Brutish. Bradsh. *The Court expects your finall Answer, and Will adjourne till Munday next; We are satisfied With our Authority that are your Iudges, and it is upon Gods Authority, and the Kingdomes; and that peace you spake of Will be kept in doing Iustice, and that's our present Work.* So the Court Adjourned, and the King was conducted back; They had so contrived it, that diverse Schismaticall Souldiers, and Fellowes were placed round about the Court, to cry *Iustice, Iustice,* when the King was remanded, thinking all the rest of the People would have bleated to the same tune, but they (almost all) cryed *God blesse Him,* and were (some of them) well cudgelled by the Souldiers for not saying their prayers handsomely after the mode of the Army; one barbarous Souldier (it is confidently reported) spat in the Kings Face as he bauled for *Iustice;* The King only saying, *My Saviour suffered more for my sake,* wiped it off with His Handkerchief; yet the Court took no notice of this Affront, so farre was His Majesty already fore-judged and condemned to Sufferings.

Note.

VVhether this were the first day, or afterwards, I know not.

Munday

Munday, *January* 22. The KING was brought again to His Tryall.

81. The second dayes Tryall of His Majesty.

Solicitour *Cook. May it please your Lordship, I did at the last Court in behalf of the Commons of* England, *exhibite, and give in to this Court a Charge of High Treason, and other High Crimes against the Prisoner at the Bar: Whereof I do accuse him in the name of the people of* England, *and the Charge was read unto Him, and his Answer required: My Lord, He was not then pleased to give an Answer, but instead of answering did dispute the Authority of this High Court; My humble motion to this High Court in behalfe of the Kingdome of* England, *is, That the Prisoner may be directed to make a positive Answer either by way of Confession, or Negation: Which, if He shall refuse to doe, That the matter of Charge may bee taken* pro Confesso, *and the Court may proceede according to Iustice.*

Bradsh. *Sir, you may remember at the last Court you were told the occasion of your being brought hither, and you heard a Charge read against You, &c. You hear likewise What was prayed in behalfe of the People, That You should give an Answer to that Charge: You were then pleased to make some Scruples concerning the Authority of this Court, and knew not by What Authority You were brought hither: You did diverse times propound your Questions, and were as often Answered, That it was by Authority of the Commons of* England *Assembled in Parliament, that did think fit to call You to account for those High and Capitall Misdemeanours, Wherewith You were then Charged. Since that the Court hath taken into consideration What You then said, they are fully satisfied With their own Authority, and they hold it fit You should stand satisfied therewith too: And they do require that You do give a positive & particular Answer to this Charge exhibited against You; they expect you should eyther confesse or deny. If you do deny, it is offered in the behalf of the Kingdome to be made good against You, Their Authority they doe avow to the Whole World, that the Whole Kingdome are to rest satisfied therein, and You are to rest satisfied in it; and therefore You are to give a Positive Answer.*

VVithout any Lavv, President, rationall debate, or Arguments to prove it: Oh brutish Tyranny!

King. *When I was here last, its true, I made that Question; and truly, if it were onely my owne particular case, I would have satisfied My selfe With the Protestation I made here the last time, against the*

Legality of this Court, and that a King cannot be Tryed by any Superiour Iurisdiction upon Earth: but it is not My case alone, it is the Freedome, and the Liberties of the People of England; *and (doe you pretend what you will) I stand more for their Liberties; for if Power without Law may make Lawes; nay, alter the Fundamentall Lawes of the Kingdome, I doe not know what Subject he is in* England *that can be sure of his Life, or any thing that he calls his owne. Therefore, When I came hither, I did expect particular Reasons to know by What Law, What Authority, you proceed against Me here? and therefore I am a little to seek What to say to you in this Particular, because the Affirmative is to be proved, the Negative (often) is very hard to doe. I shall tell you my Reasons as short as I can. All proceedings against any man Whatsoever——*

False. Bradsh. *Sir, I must interrupt You; What You doe is not agreeable to the proceedings of any Court of Iustice: You are about to enter into Argument and Dispute concerning the Authority of this Court, before Whom You appear as a Prisonner, and are Charged as a High Delinquent; You may not Dispute the Authority of this Court, nor Will any Court give Way unto it, You are to submit to it, &c.*

King. *Vnder favour; I doe Plead for the Liberty of the People of* England *more then you do; and therefore, if I should impose a beleefe upon any Man Without Reasons given, it Were unreasonable——*

Oh Brutish Asinine Kingdome, to be Governed by an up-start Authority without use of Reason.

Bradsh. *Sir I must interrupt You: You may not be permitted, You speak of Law and Reason, and there is both against You. Sir, The Vote of the Commons of* England *Assembled in Parliament, is the reason of the Kingdome, and they are those that have given You that Law, according to Which you should have Ruled and Raigned; Sir, It Will be taken notice of, that you stand in contempt of the Court, and Your contempt Will be recorded accordingly.*

King. *I doe not know how a King can be a Delinquent, but by all Lawes that ever I heard, all men may put in Demurrers against any proceedings as Illegall: and I doe demand that, if you deny that, you deny Reason.*

Overrule a Demurrer without Argument: If a man may not Demurre to the Iurisdiction of any Court, that Court may enlarge its bounds, and become a Corporation of Tyrants.

Bradsh. *Sir, Neither You, nor any Man are permitted to Dispute*

that

that Point, You are concluded; You may not demurre to the Iurisdiction of the Court, if You doe, I must let You know, that they overrule Your demurrer, they sit here by the Authority of the Commons of England; *and all Your Predecessours and You, are responsible to them.*

King. *I deny that, shew Me one President.*

Bradsh. *Sir, You ought not to interrupt while the Court is speaking to you: this point is not to be debated by you, if you offer it by way of Demurrer, to the Iurisdiction of the Court, they have considered of their Iurisdiction, they doe affirme their owne Iurisdiction.*

King. *I say Sir, by your favour, That the Commons of* England *were never a Court of Iudicature: I would know how they came to be so?*

Bradsh. *Sir, you are not to be permitted to go on in that Speech, and these discourses.*

Then the Clerke of the Court read, as followeth:

Charles Stuart, *King of* England, *you have been accused in the behalfe of the People of* England, *of High Treason, and other high Crimes, the Court hath determined that you ought to answer the same.*

King. *I will Answer the same so soone as I know by What Authority you doe this?*

Bradsh. *If this be all that you will say, then Gentlemen, you that brought the Prisoner hither, take charge of Him back again.*

King. *I doe require that I may give My Reasons Why I did not Answer, and give Me time for that.*

Bradsh. *Sir, 'Tis not for Prisoners to require.*

King. *Prisoners! Sir, I am not an ordinary Prisoner.*

Bradsh. *The Court have affirmed their Iurisdiction, if You will not Answer, We shall give order to Record your default.*

King. *You never heard my Reasons yet.*

Bradsh. *Sir, Your Reasons are not be heard against the highest Iurisdiction.*

King. *Shew Me that Iurisdiction Where Reason is not to be heard?*

Reasons are not to be heard against a remaining faction of the Commons of *England.*

Bradsh. *Sir, We shew it you here, the Commons of* England, *and the next time you are brought, You will know more of the pleasures of Court, and it may be, their finall Determination.*

King.

King. *Shew Me where ever the Houſe of Commons was a Court of Iudicature of that kind.*

Bradſh: *Sergeant, take away the Priſoner.*

King. *Well Sir, Remember that the King is not ſuffered to give in His Reaſons, for the liberty and freedome of all His Subjects.*

Bradſh: *Sir, You are not to have liberty to uſe this language, how great a Friend You have been to the Lawes and Liberties of the People, let all* England *and the world judge.*

King. *Sir, under favour, it was the Liberty, Freedome, and Laws of the Subject that ever I tooke —— defended My ſelfe with Armes, I never tooke up Armes againſt the People, but for the* Lawes.

Bradſh: *The command of the Court muſt be obeyed, no Anſwer will be given to the Charge.*

So the King was guarded forth to Sir *Robert Cottons*, and the Court adjourned to the Painted-Chamber, Tueſday twelve a Clock.

82. The 3d daies Triall of His Majeſty.

Tueſday, *Ianuarij* 23. The Court ſate againe, ſeventy three Commiſſioners preſent.

The King brought into the Court, ſits downe.

Solicit: Cooke. *May it pleaſe your Lordſhip my Lord Preſident, This is now the third time that by the great grace and favour of the Court, the Priſoner hath been brought to the Barre, before any Iſſue joyned in this Caſe. My Lord, I did at the firſt Court exhibite a Charge againſt Him, containing the higheſt Treaſon that ever was wrought on the Theater of* England, That a King of *England* truſted to keep the Law, that had taken an Oath ſo to doe, that had Tribute payed Him for that end, ſhould be guilty of a wicked Deſigne to ſubvert and deſtroy our Lawes, and introduce an Arbitrary and Tyrannicall Government in defiance of the Parliament and their Authority; ſet up His Standard for Warre, againſt his Parliament and People: *and I did humbly pray in behalfe of the People of* England, That He may ſpeedily be required to make an Anſwer to the Charge; *but, my Lord, in ſtead of making any Anſwer, He did then diſpute the Authority of this High Court; your Lordſhip was pleaſed to give Him a further day to put in His Anſwer, which day being yeſterday; I did humbly move*, That He might be required to give a direct and poſitive Anſwer, either by denying, or confeſſing of it; *But, my Lord, He was then plea-*

ſed

sed to demur to the Iurisdiction of the Court, which the Court did then overrule, and command Him to give a direct and positive Answer: My Lord, besides this great delay of Iustice, I shall now humbly move your Lordship for speedy Iudgement against Him; I might presse your Lordship upon the whole, That according to the knowne rules of the Lawes of the Land, that if a Prisoner shall stand contumacious in contempt, and shall not put in an Issuable Plea, guilty or not guilty of the Charge given against him, whereby he may come to a faire Triall, that by an implicite Confession it may be taken, pro confesso; *as it hath been done to those who have deserved more favour, than the Prisoner at the Barre hath done. But besides, my Lord, I shall humbly presse your Lordship upon the whole fact, That the House of Commons, the Supreme Authority and Iurisdiction of the Kingdome, they have declared,* That it is notorious that the matter of the Charge is true; *as it is in truth my Lord, as cleare as crystall, and as the Sun that shines at noon-day; which if your Lordship and the Court be not satisfied in, I have notwithstanding on the Peoples behalfe, severall Witnesses to produce; and therefore I doe humbly pray, (and yet I doe confesse, it is not so much I, as the Innocent bloud that hath been shed: (the cry whereof is very great) for Iustice and Iudgement) and therefore I doe humbly pray, that speedy Iudgment be pronounced against the Prisoner at the Barre.*

You see the remnant of the Ho: of Comm. had fore judged the King before they erected this newv Court to sentẽce Him; and claime a Jurisdiction, as vvell as a Supreme Authority.

Bradshaw. *Sir, You have heard what is moved by the Councell on behalfe of the Kingdome against you; you were told over and over againe,* That it vvas not for you, nor any other man to dispute the Jurisdiction of the Supreme and highest Authority of *England*, frõ vvhich there is no appeal, & touching vvhich there must be no dispute; *yet you did persist in such cariage as you gave no manner of obedience, nor did you acknowledge any Authority in them; nor the high Court that constituted this high Court of Iustice. Sir, I must let you know from the Court, that* they are very sensible of these delaies of Yours, and that they ought not (being thus Authorized by the Supreme Court of *England*) be thus trifled vvithall, & that they might in Justice, and according to the rules of Justice, take advantage of these delayes, & proceed to pronounce Judgement against you, *yet nevertheless they are pleased to give direction, and on their behalfe, I doe require you,* That You make a positive Answer unto this Charge that is against you, in plaine Tearmes (*for*

Iustice knowes no respect of Persons) you are to give your positive and finall Answer in plaine English, whether you be guilty or not guilty of these Treasons laid to your charge.

King. *When I was here Yesterday, I did desire* to speake for the Liberties of the People of *England*, I was interrupted; *I desire to know yet*, whether I may speak freely, or not?

Brad. *Sir, You have had the resolution of the Court, upon the like Question the last day, and you were told*, that having such a Charge of so high a nature against you, Your work was, that you ought to acknowledge the Jurisdiction of the Court, & to answer to your Charge; *When you have once Answered, you shall be heard at large, make the best defence You can: But Sir, I must let You know from the Court*, (*as their Commands*) That You are not to be permitted to Issue out into any other discourses till such time as You have given a positive Answer cõcerning the matter charg'd upon you.

King. *For the Charge I value it not a Rush*, it is the Liberty of the People of England *that I stand for; for Me to* acknowledge a new Court *that I never heard of before, I that am your* KING, *that should be an* example *to all the People of* England, *to* uphold Justice, to maintaine the old Lawes, *Indeed, I doe not know how to doe it: you spoke well the first day that I came here*, (*on Saturday*) of the Obligations that I had laid upon Me by God, to the maintenance of the Liberties of My People, *the same Obligation you spake of*, I doe acknowledge to God, that I owe to him, and to My People, to defend as much as in Me lies, the antient Laws of the Kingdome; *therefore untill that I may know, that* this is not against the fundamentall Lawes of the Kingdome, *I can put in no particular Answer, if you will give Me time I will shew you My Reasons, and this* ——— here being interrupted, the King said again, *By your favour, you ought not to interrupt Me, How I came here I know not; there's no Law for it* to make your King your Prisoner; *I was in a Treaty upon the publique Faith of the Kingdom, that was the known* —— *two Houses of Parliament, that was the Representative of the Kingdome, and when I had almost made an end of the Treaty, then I was hurried away & brought hither, & therfore* ——

VVhether these breaches and interruptions vvhere made by *Bradshavv*, or vvhether they are omissions and expunctions of some materiall parts of the King's Speech vvhich this licenced Pen-man durst not set dovvne; I knovv not: I heare much of the King's Argument is omitted, and much depraved, none but Licenced-men being suffered to take Notes.

Bradsh.

Bradsh. *Sir, You must know the pleasure of the Court.*

King. *By your favour Sir* ——

Bradsh. *Nay Sir, By your favour, You may not be permitted to fall into those Discourses; You appear as a Delinquent, You have not acknowledged the Authority of the Court, the Court craves it not of You, but once more they command You to give your positive Answer. Clercke doe your Duty.*

King. *Duty Sir!*

The Clercke reades.

Charles Stuart, *King of* England, *You are accused in behalfe of the Commons of* England *of diverse High Crimes and Treasons; which Charge hath been Read unto You, The Court now requires You to give Your positive and finall Answer, by way of Confession, or deniall of the Charge.*

King. *Sir, I say againe to you, so that I may give satisfaction to the People of* England, *of the clearnesse of My proceedings, not by Way of Answer, not in this Way, but to satisfie them that I have done nothing against that Trust that hath beene committed to Mee, I would doe it; but to acknowledge a New Court against their Priviledges, to alter the Fundamentall Lawes of the Kingdome, Sir, you must excuse Me.*

Brad. *Sir, This is the third time that You have publiquely disavowed this Court, and put an Affront upon it: how far You have preserved the Priviledges of the People, Your Actions have spoken; but truly Sir, mens intentions ought to be known by their Actions, you have written Your meaning in bloudy Characters throughout the Whole Kingdome, but Sir, you understand the pleasure of the Court; Clarke Record the default; and Gentlemen, you that tooke Charge of the Prisoner take Him back againe.* So the King went forth with His Guardes, and the Court Adjourned to the Painted Chamber; the Cryer (as at other times) crying, *God blesse the Kingdome of England.*

83. The fourth & last dayes Triall of His Majesty.

Saturday, 27 *Ian.* 1648. The Court sate again in *Westminster-hall*, the President was in his Scarlet Robes, after him 67 Comissioners answered to their Names; The King came in, in His vvon-

wonted posture with his Hat on, a Company of Souldiers and Schismaticks placed about the Court to cry for *Iustice, Iudgement*, and *Execution*, The People not daring to cry *God blesse Him*, for fear of being againe beaten by the Souldiers.

Bradsh. *Gentlemen, it is well knowne to all, or most of you here present, that the Prisoner at the Barre hath been severall times convented, and brought before this Court, to make Answer to a Charge of High Treason, and other High Crimes exhibited against Him, in the Name of the People of* England; *to which Charge being required to Answer, He hath been so farre from obeying the Commands of the Court, by submitting to their Iustice, as He began to take upon Him Reasoning and Debate unto the Authority of the Court, And to the Highest Court that appointed them to Trie and to Iudge Him: but being over-ruled in that, and required to make His Answer, He still continued Contumacious, and refused to submit to Answer. Hereupon the Court (that they may not be wanting to themselves, nor the Trust reposed in them, nor that any mans wilfulnesse prevent Iustice) they have considered of the Charge, of the contumacy, and of that Confession which in Law doth arise on that Contumacy; they have likewise considered the notiority of the Fact Charged upon this Prisoner; and upon the whole matter, they are resolved, and have agreed upon a Sentence to be pronounced against this Prisoner, but in respect He doth desire to be heard before the Sentence be Read, and Pronounced, the Court hath resolved to hear Him; yet Sir, thus much I must tell You beforehand, (which you have beene minded of at other Courts) that if that which You have to say, be to offer any debate concerning the Iurisdiction, You are not to be heard in it: You have offered it formerly, and you have strook at the root, that is, the Power and supreme Authority of the Commons of* England, *which this Court will not admit a Debate of: and which indeed is an irrationall thing in them to doe, being a Court that act upon Authority derived from them. But Sir, if you have any thing to say in defence of Your self concerning the matter charged, the Court hath given me in Commands to heare You.*

King. *Since I see that You will not heare any thing of debate concerning that which I confesse I thought most materiall, for the peace of the Kingdome, and for the liberty of the Subject, I shall have it; but only I must tell you, that this many a day all things have been taken*

away

away from Me, but that, that I call dearer to Me than My life, Which is My Conscientie and Mine honour; and if I had a respect of my life, more than the peace of the Kingdome, and the liberty of the Subject, certainly I should have made a particular defence for My life, for by that at leastwise, I might have delayed an ugly Sentence, Which I believe Will passe upon Me, therefore certainly Sir, as a man that hath some understanding, some knowledge of the World (if that my true Zeale to My Country had not overborne the care that I have for My owne preservation) I should have gone another Way to Worke than that I have done: Now Sir, I conceive that a hasty Sentence once passed may sooner be repented of than recalled; and truely, the self-same desire that I have for the peace of the Kingdome and the liberty of the Subject, more than My owne particular ends, makes Me now at last desire, that I having something to say that concerns both, I desire, before Sentence be given, that I may be heard in the Painted Chamber *before the Lords and Commons, this delay cannot be prejudiciall to you, Whatsoever I say, if that I say no reason those that heare Me must be Iudges, I cannot be Iudge of that that I have: if it be reason, and really for the Welfare of the Kingdome, and the liberty of the Subject, I am sure its very Well Worth the hearing, therefore I doe conjure you, as you love that Which you pretend (I hope its reall) the Liberty of the Subject, and peace of the Kingdome, that you Will grant Me this hearing before any Sentence passed; but if I cannot get this liberty, I doe protest that your faire shewes of Liberty and Peace are pure shewes, and that you Will not heare your King.*

The President said, *This was a declining the Iurisdiction of the Court, and a delay:* Yet the Court withdrew for half an houer, advised upon it, and sate againe.

Bradshaw said to the King, *That the Court had considered What He had moved, and of their owne Authority; the returne from the Court is this,* That they have been too much delayed by You already, and they are Judges appointed by the highest Authority, and Judges are no more to delay, than they are to deny justice; and notwithstanding what You have offered, they are resolved to proceed to Sentence, and to Judgement, that is their unanimous resolution.

The King pressed againe & againe, that He might be heard by

the Lords and Commons in the *Painted Chamber*, with great earnestnesse, and was as often denied by *Bradshaw*: at last, the King desired that this Motion of His might be entered.

Bradshaw began in a long Speech to declare the Grounds of the Sentence, much aggravating the Kings offences, and misapplying both Law and History to his present purpose: When *Bradshaw* had done speaking, the Clerk read the Sentence drawn up in Parchment to this effect:

84. The Sentence against His Majesty.

THat whereas the Commons of England *in Parliament had appointed them an high Court of Iustice for the Trial of* Charls Stuart *King of* England, *before whom He had been three times Convented: and at the first time a Charge of High Treason and other high crimes and misdemeanors was read in behalfe of the Kingdome of* England, *&c.* * *Which Charge being read unto Him as aforesaid, He the said* Charls Stuart *was required to give His Answer; but He refused so to doe: and so expressed the severall passages at His Tryall in refusing to Answer. For all which Treasons and crimes this Court doth adjudge, That He the said* Charles Stuart *as a Tyrant, Traytour, Murtherer, and a publique Enemy shall be put to Death by severing of His Head from His Body.*

* Here the Clerk read the aforesaid Charge.

After the Sentence read, the President said, *This Sentence now read and published, it is the Act, Sentence, Iudgement, and resolution of the Whole Court*; Here the whole Court stood up, as assenting to what the President said.

King. *Will you heare Me a word Sir?*

Bradshaw. *Sir, You are not to be heard after the Sentence.*

King. *No Sir!*

Bradshaw. *No. Sir, by your favour Sir! Guard, withdraw your Prisoner.*

King. *I am not suffered to speak: expect what Iustice other people will have.*

These

These are the Names of such Persons as did actually sit as Judges upon the Tryall of His Majesty, with the Councel and Attendants of the Court.

Oliver Cromwel, Lieu. Generall.
Com. Gen. *Ireton.*
Major Gen. *Skippon.*
Sir *Hardresse Waller.*
Colonel *Thomas Harrison.*
Col. *Edward Whalley.*
Col. *Thomas Pride.*
Col. *Isaac Ewer.*
Col. *Rich: Ingolsby.*
Sir *Henry Mildmay.*
Thomas, Lord *Grey.*
Philip, Lord *Lisle.*
Will: Lord *Munson.*
Sir *John Danvers*
Sir *Tho: Maleverer.*
Sir *John Bowcher.*
Sir *James Harrington.*
Sir *William Brereton*
Will: Hennigham Esq.
Isaac Pennington Ald:
Thomas Atkins, Ald:
Col. *Rowland Wilson.*
Sir *Peter Wentworth.*
Col. *Henry Martyn.*
Col. *William Turefoy*
Col. *Godfrey Bosvill.*
Colonel *John Eerkstead.*
Sir *Will: Cunstable.*
Col. *Edward Ludlow.*
Col. *Jo: Hutchingson.*
Col. *Rob: Titchburne.*
Col. *Owen Roe.*
Col. *Adriaen Scroop*
Col. *John Oky.*
Col. *John Harrison.*
Col. *John Desborough.*
Cornelius Holland, Esq.
Miles Corbet, Esq.
Francis Allen, Esq.
Peregrin Pelham, Esq.
John Gourdon, Esq.
Serj. *Francis Thorp.*
Tho: Challoner, Esq.
Col. *John Moore.*
John Aldred, Esq.
Col. *Francis Lassels.*
Henry Smith, Esq.
James Chaloner, Esq.
Dennes Bond, Esq.
Humph: Edwards, Esq.
Gregory Clement, Esq.
John Fray, Esq.
Tho: Wogan, Esq.
Sir *Greg: Norton.*
Serj. *John Bradshaw.*
Col. *Edm: Harvery.*
John Love Esq.
Col. *John Venn.*
John Foulke, Alder:
Thomas Scot.
Tho: Andrewes, Ald:
William Cawley, Esq.
Col. *Anthony Stapley.*
John Lisle, Esq.
John Corbet, Esq.
Thomas Blunt, Esq.
Thomas Boone, Esq.
Col. *George Fleetwood*
Col. *James Temple*,
Sir *Peter Temple.*
Col. *Thomas Wayte.*
John Browne, Esq.
Mr. *Bradshaw*, nominated President.

Counsellours assistant to this Court, and to draw up the Charge against the KING, are.

Doctor *Dorislaus.*
Master *Aske.*
Master *Cooke.*
Serjeant *Dandy*, Serjeant at Armes.

Mr. *Phelps*, Clerke to the Court.

Messengers, and Doorekeepers, are, Master *Walford.* M. *Radley.* M. *Paine.* M. *Powell.* Mr. *Hull.* and M. *King* Cryer.

Thi.

85. Observations upon the Tryall of His Majesty.

This is a Relation of his Majesties Tryall by a mixed Court of Justice erected by 50. or 60. Confederate Members of the House of Commons, sitting under the power of the Army, after all the rest of the Members above 250. had been violently secured, secluded, & frighted away: And in order to this designe against the King, the House of Peers voted downe, and yet the House of Commons (when intire) is no Court of Judicature, nor can give an Oath. Had indifferent men been permitted to take Notes, you had had a more perfect narrative; yet as it is, truth shines forth to the confusion of this bloudy, cheating, tyrannicall faction: could they have wrought the King to have submitted to the Jurisdiction of this Arbitrary Court, His example should have been urged as an irrefragable Precedent against the lives and liberties of the whole Kingdome, and urged to be of as great Authority, as if He had establish'd that Court by Act of Parliament: So that the King is to be looked on as a Civill Martyr dying for the Liberty of the People. And although they have failed of this device; yet they will have some other Arbitrary bloudy Inquisition to cut off the lives (without Law) of such as they desire to remove, without which this Tyrannous Kingdome of the Saints, or Brambles, cannot subsist; And therefore on Thursday, 2. *Februarij*, *Cromwell* and *Ireton*, and their Cannibal Counsell of Officers projected to get an Act passed by their House of Commons (where all their Requests, are Commands) to enable the said Councell to hang all such as they shall adjudge Disturbers of the Army, although no Members of the Army: they must have publique Slaughter-houses *in terrorem*, as well as private *ad pœnam*, the nature of their Cause, and their naturall conditions requiring it. *Oliver* is a Bird of prey, you may know by his Bloudy Beake; so was his *Prodromus* that Type and figure of him, *John of Leyden*; than whom, this Fellow will shortly prove farre more bloudy: you see this schismaticall remnant of one House, have the impudence to usurp the Supreme Authority to themselves: And then to tell you, that the Votes of this petty Conventicle (calling themselves the Commons) are the Law, nay the Reason of the Land, thereby devesting us of those Lawes which shall distinguish us from Slaves, & denying us the use of our reason, whereby we are differenced from Beasts, and

2. Part of *England* lybertie in Chaines, *sub fine*: And the Hunting of the Foxes, &c.

expecting

expecting an implicite faith & blind obedience from us, to all the Votes of this half quarter of a House of Commons, so farre that they Vote obedience to the knowne Lawes (in many cases) to be Treason; & vvhat all our Lavves call Treason, they Vote no Treason: nay, should they vote a Turd to be a Rose, or *Oliver's* Nose a Ruby, they vvould expect vve should svveare it, and fight for it. This legislative Den of Thieves erect new Courts of Justice, neither founded upon Lavv nor prescription, Theaters of illegall tyranny and oppression, to take avvay mens lives Arbitrarily, for actions vvhich no Lavv makes criminous, nay, for such acts as the Lavves command, vvhere their proceedings are contrary to *Magna Charta*, and all our knovvne Lavves and usages, not *per probos & legales homines*, no Juries, no svvorne Judges, authentically chosen, no Witnesses face to face, no formall Indictment in vvhich a man may find errour and plead to the jurisdiction of the Court, or vvhere the Court ought to be of Councell vvith the Prisoner: but the same engaged and vovved Enemies are both Parties, Prosecutors, Witnesses, Judges (or Authorizers and Nominators of the Judges) Actors of all parts upon that stage of Bloud.

The King pressed earnestly (especially upon Monday, 22. *Ian.*) to have His Reasons against the Iurisdiction of the Court heard, but vvas as often denied, He intended then to give them in vvriting, vvhich vvas likevvise rejected: so they vvere sent to the presse. A true Copie whereof follows:

His Majesties Reasons against the pretended Jurisdiction of the High Court of Justice, which He intended to deliver in Writing on Monday, Jan. 22. 1648.

Faithfully transcribed out of the Originall Copie under the Kings owne Hand.

86. His Majesties Reasons against the Iurisdiction of the high Court of Iustice; published after His condemnation.

HAving already made my Protestations not only against the illegality of this pretended Court, but also that no earthly power can justly call Me (who am your *King*) in question as a Delinquent, I would not any more open My mouth upon this occasion, more then to referre My selfe to what I have spoken, vvere I alone in this case concerned. But the duty I ovve to God in the

preservation of the true Liberty of My People, will not suffer Me at this time to be silent: For, how can any free-borne Subject of *England* call life or any thing he possesseth his owne, if power without right daily make new, & abrogate the old fundamentall Law of the Land, which I now take to bee the present case. Wherefore when I came hither, I expected that you would have indevoured to have satisfied Me concerning these grounds, which hinder Me to Answer to your pretended Impeachment; but since I see that nothing I can say will move you to it (though Negatives are not so naturally proved as Affirmatives) yet I will shew you the Reason why I am confident you cannot judge Me, nor indeed the meanest man in *England*; for I will not (like you) without shewing a reason, seek to impose a beliefe upon My Subjects.

*Hereabout I was stopt, and not suffered to speak any more concerning Reasons.

*There is no proceeding just against any man, but what is warranted either by Gods Lawes, or the municipall Lawes of the Country where he lives. Now I am most confident, that this daies proceeding cannot be warranted by Gods Law, for on the contrary the authority of obedience unto Kings is clearly warranted and strictly commanded both in the Old and New Testament; which if denied, I am ready instantly to prove: and for the question now in hand, there it is said, That *Where the Word of a King is, there is Power; and Who may say unto him, What doest thou? Eccles.* 8. 4. Then for the Lawes of the Land, I am no lesse confident, that no learned Lawyer will affirme that an Impeachment can lie against the KING, they all going in His name; and one of their Maxims is, *That the King can doe no Wrong.* Besides, the Law upon which you ground your proceedings, must either be old or new; if old, shew it; if new, tell what authority warranted by the fundamentall Lawes of the Land hath made it, and when. But how the House of Commons can erect a Court of Judicature, which was never one it selfe (as is well known to all Lawyers) I leave to God and the World to judge; And it were full as strange that they should pretend to make Lawes without King or Lords House, to any that have heard speak of the Lawes of *England*.

And admitting, but not granting, that the People of *England* Commission could grant your pretended power, I see nothing

you

you can shew for that; for certainly you never asked the question of the tenth man of the Kingdome, and in this way you manifestly wrong even the poorest Plough-man, if you demand not his free consent; nor can you pretend any colour for this your pretended Commission without the consent at least of the major part of every man in *England*, of whatsoever quality or condition, which I am sure, you never went about to seek, so farre are you from having it. Thus you see that I speake not for My owne right alone, as I am your King, but also for the true Liberty of all My Subjects, which consists not in sharing the power of Government, but in living under such Lawes, such a Government as may give themselves the best assurance of their lives and propriety of their goods. Nor in this must or doe I forget the Priviledges of both Houses of Parliament, which this daies proceedings doth not onely violate, but likewise occasion the greatest breach of their Publike Faith (I believe) ever was heard of, with which I am farre from charging the two Houses: for all the pretended Crimes laid against Me, beare date long before this late Treaty at *Newport*, in which I having concluded as much as in Me lay, and hopefully expecting the two Houses agreement thereunto, I was suddenly surprised, and hurried from thence as a Prisoner, upon which accompt I am against My will brought hither, where since I am come, I cannot but to My power defend the ancient Laws and Liberties of this Kingdome, together with My owne just Right, then for any thing I can see the higher House is totally excluded.

And for the House of Commons, it is too well knowne that the major part of them are detained or deterr'd from sitting, so as if I had no other, this were sufficient for Me to protest against the lawfulnesse of your pretended Court.

Besides all this, the peace of the Kingdome is not the least in My thoughts, and what hopes of setlement is there so long as power reigns without rule of Law, changing the whole frame of that Government under which this Kingdom hath flourished for many hundred years, (nor will I say what will fall out in case this lawlesse unjust proceeding against Me doe go on) & believe it the Commons of *England* will not thank you for this change, for they will remember how happy they have bin of late yeares

under the Reigne of Queen *Elizabeth*, the King my Father, and My selfe, untill the beginning of these unhappy troubles, and will have cause to doubt that they shall never be so happy under any new. And by this time it will be too sensibly evident, that the Armes I took up were onely to defend the fundamentall Lawes of this Kingdome, against those who have supposed My power hath totally changed the ancient Government.

Thus having shewed you briefly the Reasons, why I cannot submit to your pretended Authority without violating the trust which I have from God, for the welfare and liberty of My People; I expect from you either cleare Reasons to convince My Judgement, shewing Me that I am in an errour (and then truely I will readily answer) or that you will withdraw your proceedings.

This I intended to speake in *Westminster-hall* on Munday, 22. *Ianuary*, but against reason was hindered to shew My Reasons.

87. Alteration of the formes and styles of VVrits and Legall proceedings.

The 27. *Ian.* The Commons read the Act for Altering the formes of Writs, and other procedings in Courts of Iustice, which (according to all our knowne Lavvs, the custome of all Ages, and the fundamentall Government of this Kingdome) ever ran in the King's Name. This Act upon the Question vvas assented to, and no concurrence of the Lords desired, of this more hereafter.

88. A Proclamation to be brought in, prohibiting the Pr: of *VVales*, or any of the Kings Issue to be proclaimed King of *England*.

The Iunto of 50. or 60. Commons appointed a Committee to pen a Proclamation, That if any man should go about to Proclaime Prince *Charles*, or any of that line King of *England* (after the removall of King *Charles* the Father out of this life) as is usually, & ought to be done by all Mayors; Bayliffs of Corporations, High Sheriffs, &c. under high penalties of the Law for their neglect) or shall proclaime any other vvithout the consent of the present Parliament: the Commons declare it to be High Treason; and that no man under paine of Imprisonment or such other (arbitrary) punishment, as shall be thought fit to be inflicted on them, shall speake or preach any thing contrary to the present proceedings of the Supreme Authority of this Nation, the Commons of *England* assembled in Parliament. Your hands & feet,

feet, liberties and consciences were long since tied up, now you are tongue-tied.

89. The Bishop of *London* appointed by the Ho: to administer spirituall comfort to the condemned King; and the Kings usage by the Army. See Mr. *Io: Geree's* Book against *Goodwin*, called, *(Might overcomming right.)* And Mr. *Pryn's* Epistle to his Speech. 6. *Dec.* 1648.

Upon motion, the House ordered, That Doctor *Iuxon* Bishop of *London*, should be permitted to be private with the King in His Chamber, to preach and administer the Sacraments, and other spirituall comforts to Him: But notwithstanding, their Masters of the Councell of Warre, apointed that weather-cocke *John Goodwin* of *Coleman-street* (the *Balaam* of the Army that curseth and blesseth for Hire) to be Superintendent both over King and Bishop, so that they could hardly speak a word together without being over-heard by the long-schismaticall-eares of black-mouthed *Iohn:* Besides, I heare that for some nights a Guard of Souldiers was kept within His Chamber, who with talking, clinking of pots, opening and shutting of the dore, and taking Tobacco there (a thing very offensive to the Kings nature) should keep Him watching, that so by distempering & amazing Him, with want of sleep, they might the easier bring Him to their bent.

90. A Paper-booke of Demands tendered to be Subscribed by the King the Sunday before He died. See sect. 94.

28. *Ianuary*, being the last Sabbath the King kept in this life, some of the Grandees of the Army and Parliament, tendered to the King a Paper-booke, with promise of Life & some shadow of Regality (as I heare) if He Subscribed it: It contained many particulars destructive to the fundamentall Government, Religion, Lawes, Liberties, & Property of the People: One whereof was instanced to Me, *viz.* That the KING should (amongst many other demands) passe an Act of Parliament for keeping on foot the *Militia* of this Army during the pleasure of the Grandees, who should be trusted with that *Militia*, and with power from time to time to recruit and continue them to the number of 40000. Horse and Foot, under the same Generall and Officers, with power notwithstanding in the Councell of Warre to chuse new Officers and Generals from time to time as occasion shall happen, and they thinke fit; and to settle a very great Tax upon the People by a Land Rate, for an establish'ed pay for the Army; to be collected and leavied by the Army themselves, and a Court Martiall of an exorbitant extent and latitude. His Majesty (as I heare) read some few of the Propositions, & throwing the aside told them, He would rather become a sacrifice for

His People, then betray their Lawes and Liberties, Lives and Estates, together with the Church and Common-wealth, and the Honour of His Crowne, to so intollerable a Bondage of an Armed faction.

91. The Stile and Title of *Custodes libertatis Angliæ*, voted to be used in legall proceedings, in stead of the style of the *King*. These Goalers of the Liberties of *England* are *Individuum vagum*, not yet named. See a Continuation of this madnesse in an Act for better setling proceedings in Cts of Iustice, according to the present Government, Dated 17. *Feb.* 1648.

Monday, 29. *Ianu.* 1648. The legislative half-quarter of the House of Commons, voted as followeth, (hearken with admiration Gentlemen) be it enacted by this present Parliament, and by Authority of the same, that in all Courts of Law, Justice, & equity, and in all Writs, Grants, Patents, Commissions, Indictments, Informations, Suits, Returnes of Writs, and in all Fines, Recoveries, Exemplifications, Recognizances, Processe, & proceedings of Law, Justice, or Equity within the Kingdoms of *England* or *Ireland*, Dominion of *Wales*, &c. instead of the Name, Stile, Teste, or Title of the KING heretofore used, that from henceforth the Name, Stile, Test or Title *Custodes libertatis Angliæ, authoritate Parliamenti*, shall be used, and no other; and the Date of the yeare of the Lord, and none other; and that all Duties, Profits, Penalties, Fines, Amerciaments, Issues, and Forfeitures whatsoever, which heretofore were sued for in the name of the KING, shall from henceforth be sued for in the name of *Custodes libertatis Angliæ, authoritate Parliamenti*: and where the words were (*Iuratores pro Domino Rege*) they shall be (*Iuratores pro Republica*) and where the words are (*contra pacem, dignitatem & coronam nostram*) the words from henceforth shall be (*contra pacem Publicam.*) All Judges, Justices, Ministers, & Officers, are to take notice thereof, &c. and whatsoever henceforth shall be done contrary to this Act, shall be, and is hereby declared to be null and void; the death of the King, or any Law, usage or custome to the contrary notwithstanding, &c.

92. Another device to mortifie the King.

The King lay in *White-hall* Saturday (the day of his Sentence) and Sunday night so neer the place appointed for the separation of His Soule & Body, that He might heare every stroke the Worke-men gave upon the Scaffold (where they wrought all night) this is a new device to mortifie Him, but it would not do.

93. Tuesday, 30. *Ian.* 1648. was the day appointed for the Kings Death; He came on Foot from Saint *Iames's* to *White-hall* that morning: His Majesty coming upō the Scaffold, made a Speech

to

to the People; which could onely be heard by some few Souldiers and Schismaticks of the Faction who were suffered to possesse the Scaffold, and all parts neare it; and from their Pennes onely we have our informations.

✣ *His Majesties Speech upon the Scaffold, and His Death, or Apotheosis.*

The KING told them,

THat all the world knew He never began the Warre with the two Houses of Parliament, and He called God to witnesse (to whom He must shortly give an account) He never intended to encroach upon their Priviledges; They began upon Me, it was the Militia they began with, they confessed the Militia was Mine, but they thought fit to have it from Me: and to be short, if any body will look to the Dates of the Commissions, Theirs, and Mine, and likewise to the Declarations, will see cleerly that They began these unhappy Troubles.

And a little after He said, *I pray God they may take the right way to the peace of the Kingdome; But I must first shew you how you are out of the way, and then put you into the right way: First, you are out of the way, for all the way you ever had yet (by any thing I could ever find) was the way of Conquest, which is a very ill way, for Conquest is never just except there be a good just Cause, either for matter of wrong, or just Title, and then if you go beyond the first Quarrell that you have, that makes it unjust in the end that was just in the beginning; but if it be onely matter of Conquest, then it is a great Robbery, as the Pyrate said to* Alexander, *and so (I think) the way that you are in hath much of that way; Now (Sirs) to put you in the way, believe it you will never doe right, nor God will never prosper you, untill you give him his due, the King (that is My Successor)*

Souldiers Rebelling against their Master or Soveraigne, though they prevaile, cannot claime by conquest, becaufe their quarell vvas perfidious, base and sinfull from the beginning.

Successor) his due, and the People (for whom I am as much as any of you) their due.

1. *You must give God his due, by regulating rightly his Church, (according to his Scripture) which is now out of order, to set you in a way particularly now I cannot, but onely a Nationall Synod freely called, freely debating amongst themselves must settle this; when that every opinion is freely and clearly heard.*

2. *For the King, the Lawes of the Land will freely instruct you, and because it concernes My selfe I will onely give you a touch of it.*

3. *For the people (and truely I desire their Liberty and Freedome as much as any man whatsoever) I must tell you, their Liberty and Freedome consists in having such a Government, whereby their Lives and Goods may be most their own, it lies not in having a share in the Government, that is nothing pertinent to them; a Subject and a Soveraigne are cleane different things: and therefore untill you restore the People to such a Liberty, they will never enjoy themselves; Sirs, it was for this I now come hither, if I would have given way to an Arbitrary sway, to have all Lawes changed according to the power of the Sword, I needed not to have come here; and therefore I tell you (and I pray God it be not laid to your charge) that I am the Martyr of the People, &c.*

See sect. 90.

This was the effect of His Majesties Speech, who shewed much magnanimity and Christian Patience during all the time of His Triall and Death, notwithstanding many barbarous affronts put (by way of tentation) upon Him; He had His Head severed from His Body at one stroak, the Souldiers and Schismaticks giving a great shout presently.

The House had the impudence to answer the Dutch Ambassadours, That what they had done to the King was according to the Law of the Land. They meant, that their Lusts are the Lawes of the Land: for other Law they can shew none.

Thus

Thus this noble Prince (a Gentleman sanctified by many afflictions (after He had escaped Pistoll, Poyson, and Pestilent ayre, could not escape the more venemous tongues of Lawyers and Pettyfoggers, *Bradshaw*, *Cooke*, *Steele*, *Aske* and *Dorislaus*; thus *the Shepherd is smitten, and the Sheep scattered.*

THe said High Court of Justice, with the downfall of King CHARLES *the I. thereby and in Him of the Regall Government, Religion, Lawes, and Liberties of this auntient Kingdome is Emblematically presented to the Readers view:* See the Figure, before the Title page.

94. Proclamations published against proclaming the King.

Presently after this dissolution of the King, the Commons sent abroad Proclamations into *London*, and all *England* over, reciting, *That whereas severall pretences might be made to this Crowne, and Title to the Kingly Office set on foot, to the apparent hazard of the publique peace. Be it enacted and ordained by this present Parliament, and by the Authority of the same, that no Person whatsoever doe presume to proclaime, declare, publish, or any waies to promote* Charles Stuart (*Sonne of the said* Charles) *commonly called* Prince of Wales, *or any other Person to be King, or Chiefe Magistrate of* England *or* Ireland, *or of any Dominions belonging to them; by colour of Inheritance, Succession, Election, or any other claime whatsoever, without the free consent of the people in Parliament first had and signified by a particular Act or Ordinance, for that purpose, any Law, Stat: Usage or custome to*

Who shal judgewhé these Fellowes wil be thougt free, and whé not?

the contrary notwithstanding; and whosoever shall contrary to this Act, Proclaime, &c. Shall be deemed and adjudged a Traytor, and suffer accordingly.

95. A Proclamation privately printed & scattered, proclaiming CHARLS the secõd.

Notwithstanding which inhibition, the 2. *February*, 1648. was printed and scattered about *London*-streets this following Proclamation:

* *A Proclamation proclaiming CHARLES Prince of* Wales, *King of* Great Britaine, France *and* Ireland.

WEE *the Noblemen, Iudges, Knights, Lawyers, Gentlemen, Freeholders, Merchants, Citizens, Yeomen, Seamen, and other freemen of* England, *doe, according to our Allegiance and Covenant, by these presents heartily, joyfully and unanimously acknowledge and proclaime the Illustrious CHARLS Prince of* Wales, *next heire of the blood Royall to his Father King CHARLS (whose late wicked and trayterous murther we doe from our soules abominate, and all parties and consenters thereunto (to be by herditary Birthright, and lawfull succession, rightfull and undoubted King of* Great Britaine, France *and* Ireland, *and the Dominions thereunto belonging. And that we will faithfully, constantly and sincerely in our severall places and callings defend and maintaine his Royall Person, Crowne, and Dignity with our Estates, Lives, and last drop of our Bloods, against all Opposers thereof; whom we doe hereby declare to be Traytours and Enemies to his Majesty and his Kingdoms. In testimony whereof, we have caused these to be published and proclaimed throughout all Counties and Corporations of this Realm, the first day of* February, *in the first yeare of His Majesties Reigne.*

God save King CHARLES the Second.

The

The fag end of the House of Commons, *Febr.* 1. 1648. passed a thing they call an Act, That such Members as had assented to the Vote, 5. *Decemb.* 1648. That the Kings Concessions were a ground for the House to proceed to a setlement, should not be re-admitted to sit as Members; such as were then in the House and voted in the negative should first enter thier dissent to the said Vote, such as were absent should declare thier disabbrovall before they sit. You see the cheating Godly are resolved to keep all to themselves.

96. A Vote that such Members as had assented to the Vote, 5. *Dec.* shall sit no more: others to enter their dissēt and disapprovall.

This day thier tame Lordships sent a Message to the House of Commons, but they were too surly to call the Messengers in: the substance of the Message was, That thier Lordships had appointed 7. of their House to joyne with a proportionable number of Commons, to consider of a way how to settle this Nation.

97. The Lords send a Message to the Comm: but the messenger not called in.

Monday, 5. *Febr.* 1648. The Commons debated whether they should continue the House of Lords as a Court Iudicatory, or Consultory onely? And the day following they put this Question, Whether this House shall take the advice of the House of Lords, in the exercise of the Legislative power of the Kingdome, in pursuance of the Votes of this House, 4. *Iann*: last. This was carried in the Negative by many Voices: in farther pursuance of which Vote, they farther voted, That the House of Peers in Parliament is useless and dangerous, and ought to be abolished; and that an Act be brought in for that purpose, and voted downe their Priviledge of being exempt from Arrests; yet they graciously condescended they shal be capable of being elected knights of Shires, and Burgesses, if any will be so mad as to chuse them: yet my Lord of *Pembroke* is as much overjoyed with gay Priviledge, as if they had bestowed a new Cap with a Bell and a Bable upon him: who will not now conclude that the Votes of this Legislative, this supreme piece of the House of Commons, is the onely Law and reason of the Land, which leads all our Lawes and reason captive, and is almighty against all but the Councell of the Army.

98. The house of Lords voted downe.

The 8. *Febr.* came forth A Declaration and Protestation of the Peeres, Lords and Barons of this Realme, against the late treasonable proceedings and tyrannicall usurpations of some

99. A Protestation of the Peeres

Members of the Commons House, who endeavour to subvert the fundamentall Lawes, and Regall Government of this Kingdom, and enslave the People to their boundlesse Tyranny in stead of Freedome. The Protestation followeth.

VVE *the Peers, Lords and Barons of this Realme of* England, *for the present necessary vindication of the undoubted Rights and Priviledges of Parliament, and more particularly of the House of Peers, the just Prerogatives and Personall safety of our Kings, the known Lawes and Liberties of this Kingdome, the Hereditary Freedome of all the Freemen of this Nation, and our owne affronted and contemned Honours and Authority, against the many late unparallel'd dangerous Invasions and treasonable Vsurpations of a few insolent mis-advised Members of the (late) House of Commons, whiles the greatest and ablest part of that House were forcibly detained or deterr'd from thence, wherewith we find our selves and the whole Kingdome unsufferably injured and deeply afflicted. Doe, after a long patient expectation of their owne ingenious Retractations of such unjustifiable Exorbitances, which their owne judgments and consciences cannot but condemn, whereof we now utterly despaire; being thereto engaged in point of Honour, Loyalty, Conscience, Oath, and love to our Native Country, as also by our Solemne League and Covenant, publikely declare and protest to all the world, That by the Lawes and Customes of this Realme, and usage of Parliament time out of mind, ever since there were Parliaments in this Island, the principall Authority and Iudicatory of the Parliaments of* England *hath alwaies constantly resided, and ought still to continue onely in the King and House of Peers, (wherein He alwaies sits) and not in the Commons House, who never had, claimed, nor ought to have any right or power to judge any Person or Cause civilly or criminally (having no authority to examine any VVitnesses upon Oath, and being no Court of Record) but onely to accuse and impeach Delinquents in and before the House of Peers, where they alwaies have used to stand bare-headed at their Barre; but never yet to stand covered, much lesse to sit, vote, or give Iudgement. And that the House of Commons without the concurrent assent of the House of Peers, and Kings of* England, *never heretofore challenged nor enjoyed, nor can of right pretend to any lawfull power or Iurisdiction to make or publish any forme or binding Ordinance, Vote, Act, or Acts of Parliament whatsoever, nor ever once presumed to passe any Act or*

Acts

Acts to erect a new High Court of Iustice, to trie, condemne, or execute the meaneſt Subject, leaſt of all their owne Soveraigne Lord and King, or any Peere of the Kingdome (who by the Common and Statute Lawes of this Realme, and Magna Charta, *ought to be tried onely by their Peers and not otherwiſe) or to Diſ-inherit the right Heire to the Crowne or to alter the fundamentall Government, Lawes, Great Seale, or ancient formes of proceſſe and legall proceedings of this Realme, or to make or declare High Treaſon to be no Treaſon; or any Act to be Treaſon, which in it ſelfe, or by the Law of the Land is no Treaſon; or to diſpoſe of any Offices or Places of Iudicature, or impoſe any penalties, Oaths, or Taxes on the Subjects of this Realme. And therefore we doe here in the preſence of Almighty God, Angels, and Men, from our hearts diſclaime, abhorre, and proteſt againſt all Acts, Votes, Orders or Ordinances of the ſaid Members of the Commons Houſe lately made and publiſhed, for ſetting up any new Court of Iuſtice to trie, condemne, or execute the King, or any Peers or Subject of this Realme: (which for any Perſon or Perſons to ſit in or act as a Iudge or Commiſſioner, to the condemning or taking away the life of the King, or any Peere or other Subject, VVe declare to be High Treaſon and wilfull Murther) to Diſ-inherit the Prince of* Wales *of the Crowne of* England, *or againſt proclaiming him King after his Royall Fathers late moſt impious, trayterous and barbarous murther, or to alter the Monarchicall Government, Lawes, Great Seale, Iudicatories, and auncient formes of VVrits, and Legall proceſſe and proceedings; or to keep up or make good any Commiſſions, Iudges or Officers, made voyd by the Kings bloody execution; or to continue any old, or raiſe any new forces or Armies; or to impoſe any new Taxes, Payments, Oathes or forfeitures on the Subjects, or to take away any of their Lives, Liberties or Eſtates againſt the Fundamentall Lawes of the Realme, or to make any new Iudges, Iuſtices, or Officers; or ſet aſide the Houſe of Peers (farre antienter than the Commons Houſe) and particularly this inſolent and frantique Vote of theirs,* Feb. 6. [That the Houſe of Peers in Parliament is uſeleſſe and dangerous, and ought to be aboliſhed, and that an Act be brought in for that purpoſe] *to be not onely void, null, and illegall in themſelves by the Lawes and Statutes of this Realme, but likewiſe treaſonable, deteſtable, tyrannicall and deſtructive to the Priviledges, Rights and being of Parliaments, the juſt Prerogatives and Perſonall ſafety of the Kings of* England: *the fundamentall Government and Lawes of the Realme,*

the Lives, Liberties, Properties and Estates of the People, and the most transcendent tyranny and usurpation over the King, Kingdome, Parliament, Peers, Commons, and Freemen of England *ever practised or attempted in any Age, tending onely to dishonour, enslave, and destroy this antient flourishing Kingdome, and set up Anarchy and confusion in all places.*

All which exorbitant and trayterous Vsurpations; We and all free-borne English-men are by all obligations bound to oppose to the uttermost with our lives and fortunes, lest We should be accessary to our owne and our posterities slavery and ruine, for preventing whereof We have lately spent so much bloud and treasury against the Malignant Party, whose treasons and insolences they farre exceed.

*100. The Kingly Office voted downe. After almost 1000 years it is now discovered by these New Lights to be inconvenient to be in one hand; therefore it must be in the Councel of State: forty Tyrants for one King. That is the Army and their Party.

* The 7. *Febru:* the Commons debated about the Kingly Office, and passed this Vote,

Resolved, &c. By the Commons of *England* assembled in Parliament, that it hath been found by experience, and this House doth declare, that the Office of a King in this Nation, and to have the power thereof in any single Person is unnecessary, burdensome and dangerous to the liberty, safety, and publique interest of the People of this Nation, and therefore ought to be abolished, and that an Act be brought in for that purpose.

101. A Committee to bring in a list of Names for a Councell of State.

A Committee was named to bring in a List of Names (not exceeding 40) to be a Committee of State, by Act of the House of Commons. This is to pull downe one King, to whom we owe Allegiance; and set up forty Tyrants, to whom we owe no Allegiance.

102. New commissions for the Judges, whereof six hold, & six quit their Places.

Instructions were given by the Commons for drawing new Commissions for the Judges, according to the new Antimonarchicall stile and way, the new Great Seale being now ready, a Committee of the House met the Iudges about it; whereof six agreed to hold (upon a provision to be made by Act of the House of Commons, that the fundamentall Lawes be not abolished.) This very provision so made by Act of the Commons beside all their former Votes against Monarchy, Peerage, alte-

ring

ring the stile of Writs, coynage of Money, &c.) is it self an abolition of the fundamentall Laws: This is but a Fig. leafe to cover their shame. Those that held were, of the Kings bench. Mr. Iustice *Rolles* and Iudge *Ierman*; of the Common Pleas, Mr. Iustice *St. Iohn*, and Iudge *Phesant*; of the Exchequer, Chief Baron *VVylde*, and Baron *Tates*: those which quitted their Places and kept their consciences were, Iustice *Bacon*, Iustice *Browne*, Sir *Tho: Beddinfeilde*, Iustice *Cressewell*, Baron *Treaver*, and Baron *Atkins*.

103. *Cyrencester* Election: But the Clerke of the Crowne certified, that between the Committee of Elections, and himselfe) they could not find the Indentures of returne: the House therefore Ordered, That they should sit, & doe de service; so they are Burgesses not returned: but ordered to sit. * 104. A Declaration, That they wil keep the fundamentall Lawes, (lives) why did they erect the High Court of Justice, & doe still continue Martiall Law? (liberties) why doe they presse Seamen then? (properties) why doe they leavie illegal Taxes by Souldiers, & continue illegal Sequestratiõs.

8. *Febr.* The Election of the Generall and Col: *Rich* at *Cyrencester* which never durst see the light before, after about 3 yeares lying dormant, and no account made of it; is on a sudden reported to the House, approved of, and the Clerke of the Crowne (for whom they have not invented a new name yet) ordered to mend the returne of the Writ at the Barre.

* They likewise passed a Declaration to this purpose, that they are fully resolved to maintaine, and shall and will uphold, preserve and keep the fundamentall Lawes of this Nation; for, and concerning the preservation of the lives, liberties and properties of the People, with all things incident thereunto, with the Alterations concerning Kings, and House of Lords, already resolved in this present Parliament.

Monday, *February* 12. The Commons appointed the Circuits for those Iudges that held, and passed an Act for Compleating the Iudges of the severall Courts, filling up the roomes of those that held not, with some alterations in their former Commissions, and a new Oath to be given them, to sweare well and truly to serve the Common-wealth in the Office of a Iustice of the Upper Bench (which all our Lawes call the *Kings Bench*) or Common Pleas, according to the best of their skill and cunning.

105. The Iudges Circutes appointed, the Benches filled up, and their Oaths altered.

The House passed an Act that the Oath underwritten, and no other be administred to every Free-man of the City of *London* at his admission, and of all other Cities, Burroughs, and Townes Corporate.

106. A new Oath for the Free-men of *London*, and other Corporations.

You

You shall sweare, that you will be true and faithfull to the Commonweath of England, *and in order thereto, you shall be obedient to the just and good Government of the City of* London, *&c.*

107. An Act to repeal the Oaths of Allegiance, Obedience, and Supremacy.

They passed an Act also, to repeale the severall Clauses in the Statutes, 1. *Eliz.* & 3. *Iacob.* enjoyning the Oaths of Allegiance, Obedience and Supremacy; That the said Oathes, and all other Oathes of the like nature shall be, and are hereby wholly taken away, the said Clauses in the said Acts be made void and null, and shall not hereafter be administred to any Person, neither shall any place or office be void hereafter by reason of the not taking of them, or any of them, any Law, Custome, or Statute to the contrary notwithstanding.

108. Another Declaration and Protestation of the secured & secluded Members

In opposition to these tyrannous, destructive, illegall and trayterous proceedings of 40. or 50. cheating Schismaticks sitting nuder the force, and promoting the Interests of will and power of the rebellious Councell of Officers in the Army: The secured and secluded Members of the House of Commons Declared as followeth:

* *A publike Declaration and Protestation of the secured & secluded Members of the House of Commons; against the treasonable & illegall late Acts & proceedings of some few Confederate Members of that dead House, since their forcible Exclusion.* 13. Febr. 1648.

WE the *secured* and *secluded Members* of the late *House of Commons*, taking into our sad & serious Considerations the late *dangerous*, *desperate* and *treasonable proceedings* of some few Members of that House (not amounting to a full eighth part of the House if divided into ten) who confederating with the Officers and Generall Councell of the *Army*, have forcibly detained and secluded us (against the *Honour*, *Freedome*, and *Priviledges of Parliament*) from *sitting* and *voting* freely with them, for the better setling of the *Kingdomes peace*; and contrary to their *Oaths* of *Allegiance* and *Supremacy*, their *Protestation*, the *Solemne League and Covenant*, and sundry *Declarations* and *Remonstrances*

monstrances of both *Houses*, to His late *Murdered MAIESTY*, *His Heires and Successors*, the whole *Kingdomes* of *England*, *Scotland* and *Ireland*, and to all *foraigne States* and *Nations* (since our exclusion and forced absence from their *Counsels*, by reason of the Armies force) most presumptuously arrogated and usurped to themselves the Title of, *The Supreme Authority of this Kingdome*: and by colour and pretence thereof have *wickedly* and *audaciously* presumed, without and against our *privities* or *consents*, and against the *unanimous Vote of the House of Peers*, to erect a *High Court of Iustice* (as they terme it) though never any Court themselves, to Arraigne and Condemne *His Majesty*, against the *laws of God*, and the *municipall Lawes* of the Realme: which *Court* (consisting for the most part of such *partiall* and *engaged Persons* who had formerly vowed *His Majesties destruction*, and *sought His bloud*) most *illegally* & *unjustly* refused to admit of *His Majesties just Reasons* and *exceptions* against their *usurped Iurisdiction*; and without any *lawfull Authority* or *proofe* against Him, or *legall Triall*, presumed most *trayterously* and *impiously* to *Condemne* and *Murder Him*: and since that, have likewise presumed to Trie and Arraigne some *Peers*, and others *free Subjects of this Realme* for their Lives, contrary to *Magna Charta*, the *Petition of Right*, the *Lawes of the Land*, and *the Liberty of the Subjects*, to the great *enslaving* and *endangering* of the *lives* and *liberties* of all *free People* of *England*.

And whereas the said *confederated Commons* have likewise tyrannically and audaciously presumed contrary to their *Oathes* and *Engagements* aforesaid, to take upon them to *make Acts of Parliament* (as they terme them) without our privity or assents, or the joynt consent of the *King* and *House of Lords*, contrary to the Use and Priviledges of *Parliament* and knowne *Laws* of the *Land*, and by pretext thereof have trayterously and wickedly endeavoured to *Dis-inherit* the Illustrious *CHARLES Prince of VVales*, next Heire to the Crowne, and actuall *KING* of *England*, *Scotland*, *France*, and *Ireland*, immediately after His said *Royall Fathers barbarous Murther*, *by Right of Descent*; and proclaimed it *Treason* for any Person to Proclaime Him *KING*; (whereas it is *high Treason* in them thus to prohibit His proclaiming) and have likewise trayterously and impudently encroached

a *tyrannical* & *lawlesse power* to themselves to Vote down our antient *Kingly* & *Monarchicall Government*, and the *House of Peers*; and to make a *new Great Seal of England* without the *Kings Portraicture* or *Stile*, and to alter the antient *Regall* and *Legall stile of VVrits* & *proceedings* in the *Courts of Iustice*, & to create *new Iudges* and *Commissioners* of the *Great Seale*, and to dispense with their *Oathes* of *Supremacy* and *Allegiance*, and to prescribe *new Oathes* unto them contrary to Law, (though they have no *Authority* by any Law, Statute, or Custome to administer or injoyne an *Oath* to any man) and thereby have *trayterously* attempted to alter the fundamentall *Laws* and *Government* of this *Kingdome*, and to subvert the *freedome*, *priviledges*, and *beeing* of *Parliaments*; for which Treasons, *Strafford* and *Canterbury* (though leste criminall) lost their *Heads* this last *Parliament*, by some of their owne prosecutions, and the judgment of both Houses.

We in discharge of our respective duties and obligations both to God, the King, our owne Consciences, our bleeding dying Kingdomes, and the severall Counties, Cities and Burroughs for which we serve, doe by this present Writing, in our own Names, and in the Names of all the Counties, Cities, and Burroughs which We represented in Parliament, publickly declare and solemnly protest before the all-seeing God, the whole Kingdomes of *England*, *Scotland*, and *Ireland*, and the world, that We doe from the bottome of our hearts abominate, renounce and disclaime all the said pretended Acts, Votes, and proceedings of the said confederate Members, (acted under the Armies power against our Consents) as treasonable, wicked, illegall, unparliamentary, tyrannicall, and pernitious both to the King, Parliament, Kingdomes, and all the free-borne People of this Realme; extreamly disadvantagious and dishonourable to our Nation, scandalous to our Religion, and meer forcible Usurpations, and Nullities void in Law to all intents and purposes; which we, and all the Freemen of this Kingdome, and all the Kingdomes and Dominions thereto belonging, are bound openly to disavow, oppugne, and resist as such, with our purses, armes, lives, to the last drop of our blouds; and to which, neither We, nor any other can, ought, or dare to submit or assent in the least degree, without incurring the guilt of *High Treason*, and the highest *perjury*, *infamy*, and

disloyalty

disloyalty. And in case the said Confederates shall not speedily retract, and desist from those their treasonable practises, and tyrannicall usurpations; (which We cordially desire and entreat them by all obligations of love and respect they have to God, Religion, their King, Country and Posterity timely to doe.) We doe hereby denounce and declare them to be Traytors and publique Enemies both to the King and Kingdome, and shall esteem and prosecute them, with all their wilfull Adherents, and voluntary Assistants as such; and endeavour to bring them to speedy and condigne Punishment, according to the *Solemne League and Covenant*; wherein, We trust the whole *Kingdome*, all those for whom We serve, and the *Lord of Hosts* himself to *whom* We have sworne and *lifted up our hands*, *hearts*, and *fervent prayers* will be aiding and assisting to us, and all our Brethren of *Scotland* and *Ireland* who are *united* and conjoyned with us in *Covenant to our* GOD, and *Allegiance* to our *Soveraigne King* CHARLES *the Second*, who (we trust) will make good all His destroyed *Fathers Concessions* which really concerne our *peace*, or *safety*, and secure Us against all *force* and *tyranny* of our *Fellow-subjects*; who now, contrary to their Trusts and former Engagements, endeavour by the meer power of that Sword, (which was purposely raised for the protection of our *Persons*, *Government*, *Religion*, *Laws*, *Liberties*, *the* KING's *Royall Person and Posterity*, *and the Priviledges of Parliament*) to Lord it over Us at their pleasure, and enthrall and enslave Us to their *armed violence*, and *lawlesse martiall wills*; which we can no longer tolerate nor undergoe, after so long fruitlesse and abused patience in hope of their repentance.

About the same time came out another Paper, entituled:

109. A Paper entituled, [*Foure true Positions, &c.*]

☞ *Foure true and considerable Positions for the sitting Members, the new Cours of Iustice, and new Iudges, Sheriffs, Officers Lawyers, Iustices, and others to ruminate upon.*

1. THat the whole House of Commons in no Age had any Power, Right or Lawfull Authority to make any Valid or binding Act or Ordinance of Parliament; or to impose any Tax, Oath, Forfeiture, or capitall punishment upon any Person or

Free-man of this Realme, without the *Lords* or *Kings concurrent* assents: much lesse then can a small remnant onely of the Members of that House doe it, sitting under an armed force (which nulls and vacates all their *Votes* and procedings, as the *Ordinance* of 20. *August.* 1647. declares) whilst most of their Fellow-Members are forcibly detained and driven thence, as Mr. *St. Iohn* proves in his Speech concerning Ship-mony, *p.* 33. and in his Argument concerning the Earle of *Strafford's* Attainder, *p.* 70. 71. 76. 77. 78. and Sir *Edw. Coke* in his 4. *Instit. c.* 1.

2. That the few Members now sitting in, and the House of Commons being no Court of Iustice of it selfe, and having no power to heare and determine any civill or criminall Causes, nor to give an Oath in any case whatsoever, cannot by the Lawes and Statutes of the Realm, nor by any pretext of authority whatsoever, erect any new *Court of Iustice*, nor give power or authority to any new *Iudges, Iustices*, or *Commissioners* to arraigne, trie, condemn or execute any Subject of meanest quality, for any reall or pretended crime whatsoever; much lesse their owne Soveraigne Lord the *King*; or any *Peers* of this Realme, who ought to be tried by their Peers, and by the Law of the Land alone, and not otherwise. And that the condemning and executing the King, or any Peere, or other Subject by pretext of such an illegall Authority, is no lesse than High Treason and wilfull Murther, both in the Members, the Commissioners, Iudges or Iustices giving and executing Sentence of Death in any such arbitrary and lawlesse void Court, or by vertue of any such void & illegall Commissions.

3. That the House of Commons and Members now sitting, have no power nor authority to make or alter the Great Seale of *England*, or grant any Commissions to any Commissioners, Iudges, Sheriffs, Justices of the Peace, or any other. That all the Commissions granted by them, under their New, or any other Seale, are meerly void & illegall; and all the new Writs and proceedings in Law or Equity before any Iudges, Iustices, Sheriffs, or other Officers made by them, meerly void in Law to all intents, *& coram non judice.*

4. That the deniall of the KING's Title to the Crowne, and plotting the meanes to deprive Him of it, or to set it upon anothers Head, is High Treason, within the Stature of 25. *Ed.* 3. *ch.* 2. And that the endeavouring to subvert the Fundamentall Lawes

and

and Government of the Realme of *England* [by King, Lords, and Commons] and to introduce a tyrannicall or arbitrary Government againſt Law, is High Treaſon at the Common Law (eſpecially in Iudges and Lawyers) not taken away by any Statute. Both which Mr *St. Iohn* in his Argument at Law, concerning the Bil of attainder of high Treaſon of *Tho:* E. of *Strafford*, publiſhed by order of the Com: Houſe, *An.* 1641. *p.* 8. 14. to 33. & 64. to 78. And in his Speech at a Conference of both Houſes of Parl: concerning Ship mony, *An.* 1640. hath proved very fully by many reaſons and preſidents; and *Coke* in his 7. *Report*, *f.* 10, 11, 12. & 3. *Inſtit. c.* 1. That the Commons now ſitting, in making a new Great Seale, without the Kings Jmage or Style, in granting new illegall Commiſſions to Iudges, Juſtices of Peace, Sheriffs, and other Officers in the name of *Cuſtodes Angliæ* in the generall, in omitting and altering the Kings Name, Style and Title in Writs, Proceſſe, Indictments, and proceedings at the Common Law, and thereby indeavouring to Diſ-inherit the *Prince*, (now *lawfull King* by and ſince his Fathers bloody murther) and to alter and ſubvert the Fundamentall Lawes and Government of the Realme, by ſuch Commiſſions and proceedings, and by the power of an Army to enforce them; and the Iudges, Iuſtices, Sheriffs, and other Officers who accept of ſuch Commiſſions, and all thoſe (eſpecially Lawyers) who voluntarily aſſiſt, conſent, and ſubmit to ſuch Commiſſions and Alterations by ſuch uſurped illegall Authority, and the Commiſſioners ſitting in the New Courts of Juſtice are moſt really guilty of both theſe high * Treaſons (in which there are no Acceſſories) and leſſe excuſable than *Strafford* or *Canterbury*, whom ſome of theſe new Iudges and ſitting Members impeached and proſecuted to death for thoſe very Treaſons themſelves now act in a more apparent and higher degree than they, and (in reſpect of their Oaths, Covenant, Callings and Places) are more obliged to maintaine the *Kings* Title, the Fundamentall Lawes and Government, the Rights and Liberties of the Kingdome and Parliament then they; and therefore (if they perſevere therein) may juſtly expect the ſelf-ſame capitall puniſhments they underwent, if not farre worſe; eſpecially ſince they attempt to reduce the *antienteſt Kingdom of all Chriſtendom*, into the *punieſt* and moſt *contemptible State* in all the World; and thereby to render us the moſt *infamous*, *perfid ous* and *diſ-*

* Whereupon ſix Iudges refuſed to accept any new Commiſſions, or to act as Iudges.

honourable Nation under Heaven, both to the present and all succeeding Ages: which must needs make the Contrivers and Abetters thereof the most detestable Traytors and publique Enemies to their *King* and *native Country* that ever this Realme brought forth in any Age. Repent therefore of these your treasons, and amend your lives, if you expect the least hope of pardon from God or Man; and expiate all your former *high misdemeanors*, by engaging all your power and endeavours to settle all things in *Church* and *State* according to your primitive engagements; instead of accumulating one sin and Treason to another, which will prove your certaine ruine in conclusion, not your safety.

110. Six propositions of undoubted verity. Another Paper.

About the same time, and (it is thought) from the same Author came forth a Paper bearing the Title of,

Six Propositions of undoubted verity, fit to be considered in our present exigency by all loyall Subjects and conscientious Christians.

Every act of Parliament relateth to the first day of the same Parliam: but it cannot be, that any Act passed in the Reigne of King *Charles* the second should relate to the first day of this Parliament, which happened in the sixteenth yeare of *Charles* the First; *ergo*, this Parliament is determined by the death of King *Charles* the first.

1. THat this Parliament is *ipso facto* Dissolved by the King's death; He being the Head, Beginning and End of the Parliament, called onely by his Writ, to Confer with Him as His Parliament and Councell about urgent affaires, concerning Him and His Kingdome, and so was it resolved in 1. *Hen.* 4. *Rot. Parl. n.* 1. 14 *H.* 4. *Coke* 4. *Instit. p.* 46. *&* 4 C. 4. *f.* 44. *b.*

2. That immediately upon this Parliaments dissolution by the Kings death, all Commissions granted by the King, or by one or both Houses to the Generall or Officers of the Army, the Commissioners of the Great Seale of *England*, Iudges of the Kings Courts, Iustices of Peace, Sheriffs, Excise-men, Customers, and the like; with all Committees, and Ordinances of one or both Houses made this Parliament, did actually determine, expire, and become meerly void in Law to all intents and purposes, and cannot be Continued as good and valid by any Power whatsoever.

3. That instantly after the Kings decease, the Imperiall Crowne

Crowne of this Realme of *England*, and of the Kingdoms, Dominions, and Rights thereunto belonging, was by inherent Birthright, and Lawfull undoubted succession and descent actually vested in the most Illustrious *Charles*, Prince of *VVales*, being next lineall Heire of the bloud Royall to his Father King *CHARLES*: and that He is actuall *KING* thereof, before any Ceremony of Coronation, as is resolved in full Parliament, by the Statute of 1. *Iacobi, ch.* 1. and by all the Iudges of *England* since. *Coke 7. Report. f.* 10, 11. in *Calvins* Case, Whose Royall Person and Title to the Crowne all loyall Subjects are bound by their Oaths of Supremacy, Allegiance, and Solemne League and Covenant, with their Estates, Lives, and last drop of their bloods to maintaine against all Opposers.

4. That all Peers of the Realme, Mayors, Sheriffs, chief Officers of Cities and Corporations in this Kingdome, are obliged by their Places and Allegiance, without any delayes or excuses, to declare and proclaime Prince *Charles* to be rightfull King of *England*, and of all Kingdomes and Rights thereunto belonging; notwithstanding any illegall prohibitions or menaces to the contrary by any usurped Power whatsoever; under paine of being guilty of High Treason, and forfeiting their City and Corporation Charters, in case of supine neglect or refusall thereof; through faire, terror or any finister respect.

5. That till King *Charles* be setled in his Throne, or give other Order, the present Government of the Kingdome is legally vested onely in the Lords and Peers of the Realme, being by Inheritance, Custome and Law in such case, the Kings and Kingdoms great Councell, to whose lawfull Commands all other Subjects ought to yeeld ready Obedience.

6. That every professed actuall endeavour by force or otherwise to alter the fundamentall Monarchicall Government, Laws, and legall Style and proceedings of this Realm; and to introduce any new Government or Arbitrary proceedings contrary thereunto, is no lesse than High Treason, and so declared & resolved by the last Parliamt, in the Cases of *Strafford* and *Canterbury*, the losse of whose Heads (yet fresh in memory) should deterre all others from pursuing their pernitious courses and out-stripping them therein; they being as great, potent, and as farre out of the

reach

reach of danger and justice in humane probability as any of our present Grandees.

111. A New Stamp for Coyne

That no Act of Rebellion and Treason might be unattempted by this Conventicle, no part of the Regalities of the King, or Peoples Liberties unviolated; they considered of a New Stamp to be given to all Coyne (for the future) of this Nation.

112. Instructions for the Councel of State.

13. *Febr.* They considered of Instructions and Power to be given by way of Commission to the said Committee, or Councel of State. 1. For the Government of the two Nations of *England & Ireland*; appointing a Committee to bring in the Names of these *Hogens Mogens*; and to perfect their Instructions: for, (1) Ordering the Militia. (2) Governing the People, (they were wont to be Governed by knowne Lawes, not by Arbitrary Instructions, and by one King, not by forty Tyrants, most of them base Mechanicks, whose education never taught them to aspire to more knowledge than the Office of a Constable.) (3) Setling of Trade. (most of them have driven a rich Trade in the worke of Reformation for themselves.) (4) Execution of Lawes, (this was wont to be done by legall sworne Iudges, Iuries, and Officers.)

113. Powers given to the Councel of State.

14. *Febr.* The Committee reported to the House the Names of the Committee of State, or Lords States Generall. Also the Power they were to have, *viz:* 1. Power to command and settle the Militia of *England* and *Ireland*. 2. Power to set forth Ships, and such a considerable Navy as they should think fit. 3. Power to appoint Magazines and Stores for the Kingdoms of *England* and *Ireland*, and dispose of them from time to time for the service of both Nations, as they shal think fit. 4. Power to sit and execute the severall powers given for the space of one whole yeare; with many other powers not yet revealed, and daily increased: besides what improvements of Power they are able to make hereafter, having the Militia of an Army (that formidable Hob-goblin) at their Command. They have two Seales appointed, a Great Seale, and a Signet Patents for Sheriffs, and Commissions for Justices, and Oathes for both, were reformed according to the Godly cut.

When

VVhen the Committee of State vvas nominated in the House, divers Gentlemen of the best quality vvere named; vvhom they could not omit, becaufe they had fate vvith them, and concurred in all their great debates: although they had more confidence in thofe petty Fellovves, vvho had, or vvould fell their foules for gain, to make themfelves Gentlemen, to debarre the faid Gentlemen of quality therefore and make them forbeare, they invented an expurgatory Oath or *Shiboleth* to be taken by every Member before his initiation, vvhereby they fhould Declare, *That they approved of vvhat the Houfe of Commons and their High Court of Iuftice had done againft the* KING, *and of their abolifhing of Kingly Government, and of the Houfe of Peers, and that the Legiflative and Supreme power was wholly in the Houfe of Commons.* 22. Febr: *Cromwell* (Chairman of that Committee of State) reported to the Commons, *That according to the order of that Houfe,* 19 *of the faid Members had fubfcribed to that forme of the Oath as it was originally penned: but* 22. *of them fcrupled it, whereof all the Lords were part, not but that they confeffed (except one) The Commons of* England *to be the Supreme power of the Nation, or that they would not live and die with them in what they fhall doe for the future, but could not confirme what they had done in relation to the King and Lords:* fo it vvas referred to a Committee to confider of an expedient. 114. An expurgatory Oath put upon the Councell of State, fcrupled by fome of the Members, and moderated by *Cromvvell*, in oppofition of the Levellers.

Cromwell (having made ufe of the Levellers (Affertors of publique Liberty) to purge the Houfe of Commons, and abolifh the Lords Houfe) doth novv endeavour to caft dovvne the Levellers once more, finding himfelfe raifed to fo great an height, that he cannot endure to thinke of a levelling equality; he overfvvaies the Councell of VVarre, over-avves the Houfe of Commons, and is Chair-man and Ring-leader of the Councell of State: fo that he hath engroffed all the povver of *England* into his ovvne hands, and is become the Triple King, or Lord Paramount over all the Tyrants of *England*; in oppofition therefore to the Levelling thority of Parliament, untill they had made ufe of the Levellers to purge the Houfe of Commons, and make it fubfervient to their ends; and abolifh the Houfe of Lords: and then they cried up the Supreme Authority of their Houfe of Commons, and decried the Liberty of the People, and the Levellers who upheld it. So *Charles* the 5. firft made ufe of the Popes Authority to fubdue the Proteftants of *Germany*, and then ufed an Army of Proteftants to fubdue and impriſon the Pope. 115. *Cromvvels* ufurped povver. VVhen the Houfe of Commons oppofed *Cromvvells* and *Iretons* deſigns, they cried up the Liberty of the People, and decried the Au-

party, and for the upholding his owne more Lordly Interest, he procured an expedient to Alter and Reforme the said Oath, which at last passed in this forme following:

February the 22. 1648.

116. The forme of the said reformed Oath.

I A. B. *being nominated a Member of the Councell of State by this present Parliament, doe testifie, that I doe adhere to this present Parliament, in the maintenance and defence of the publique liberty and freedome of this Nation as it is now Declared by this Parliament, (by whose Authority I am constituted a Member of the said Councell) and in the maintenance and defence of their resolutions concerning the setling of the Government of this Nation for the future, in way of a Republique without King or House of Peers, and I doe promise in the sight of God, that (through his Grace) I will be faithfull in performance of the trust committed to me as aforesaid, and therein faithfully pursue the Instructions given to the said Councell by this present Parliament; and not reveale or disclose any thing in whole or in part, directly, or indirectly, that shall be debated or resolved upon in the Councell, without the command or direction of the Parliament, or without the order or allowance of the major part of the Councell, or of the major part of them that shall be present at such Debates or Resolutions: In confirmation of the premises, I have hereto subscribed my Name.*

Here you see a curtaine drawn between the eys of the people & the clandestine machinations and actings of this Councell.

117. The C: of VVar debate to massacre the *Kings party*. See *Will: Sedgwicks [Iustice upon the Armies Remonstrance.]*

About this time it was debated at the Councell of VVarre *to Massacre and put to the Sword all the* KING's *Party*. The Question put, was carried in the Negative but by two Voices. You see what Furies pursue these sinfull VVretches, and what dangerous rocks they dash upon, in order to that base and cowardly principle of *Self-preservation*.

118. Schismaticall Petitions for 2. or 3. principall Gentlemen in each County to be brought to justice.

The Army hath in every County of *England* packs of schismaticall Beagles, whom they hollow on to hunt in full crie (by Petitions to the House) after the bloud of such whom they design for slaughter. Many Petitions have been lately presented, *That two or three principall Gentlemen of the* KING's *Party (by name) in each County, might be sacrificed to Iustice; whereby the Land might be freed from bloud-guiltinesse.*

Divers

Divers Merchants have contracted to send forth severall Ships for the next Summers Fleet, at their owne charge.

119. Marchants arming Ships for this Summers Fleet.

The prodigious High Court of Iustice was revived in order to the Triall of the Earle of *Holland*, the Earle of *Cambridge*, the Earl of *Norwich*, the Lord *Capel*, and Sir *Iohn Owens*; the Commissioners were changed (that they may engage as many men in arbitrary, illegall tyranny and bloud-shed as they can.)

120. The High Court of Iustice revived.

Hamilton was exceedingly importuned by *Cromwell* (who tooke a journey to *Windsor* purposely) *to name such Members of Parliament and Citizens as had any hand in calling him in*: this he either could not, or would not doe; he had (in order to his owne ambition) first exasperated the Independent party against the KING, and afterwards sought their ruine by engaging for the KING: and he doubted that to undertake so odious an office as to play the Devils part, and be an Accuser of his Brethren, would but set a glosse upon the Independents intended severity against him. Being brought to St. *Iames's* in order to his Tryall, *Cromwell* (hoping to traine him to a confession) caused all his Creatures to carry a favourable countenance to him. *Bradshaw* smoothed him up with soft language at the Barre; the Lord *Gray* of *Grooby*, Col: *Wayte*, and *Hugh Peters*, gave him hopes that they would not much obstruct his pretended Plea of Quarter from *Lambert* upon Articles, *Peters* avouched Quarter so given by *Lambert*; notwithstanding Colonel *Wayte* (when he made Report to the House of Commons how he took him) affirmed *He yeilded at discretion*, *and* Lambert *was not then neer him*: after this *Peters* gives *Hamilton* a Visit, who gives *Peters* thanks and mony to boot for his late favour done him in Court; and knowing him to be an Instrument of *Cromwells*, imployed him as his Solicitor to the Members of the House and Army. *Peters* prayes for *Hamilton* openly as his *Lord* & *Patron*, still feeding him with hopes, *If he would Impeach their Opposites*: yet still he waved this, offering them 100000l. for his life, and often inculcating what services he would do them in *Scotland*; for which purpose he offered to joyn Interests with *Argyle*, and be a Servant to their Party. Messengers were posted into *Scotland* to know *Argyles* pleasure: But he had been over-reached formerly by *Hamilton*, & he was resolved to admit no Competitor, which would have eclipsed his greatnesse,

121. The History of *Hamiltons* imprisonment and death. See *digitus Dei* upon Duke *Hamilton*.

Quære, What an accusation extorted for feare of death, and hope of life is worth? *Hamilton* confessed at his death, he had been much pressed; yet had named no man. *Argyle*.

neſſe, and have made him not the ſole Patron of Scotiſh Independency: Beſides, the Kirke ſo farre hated *Hamilton* that they preached off his Head in *Scotland*, before it vvas cut off in *England*: the High Court of Iuſtice lingered long in expectation of an Anſvver; at laſt ſuch a one came as decried all reconciliation vvith *Hamilton*; vvhereupon the ſcene vvas altered preſently, *Bradſhaw* handled him roughly at the Bar, *Mar.* 6. Thoſe vvhich ſmiled on him before, frovvned novv; being asked *vvhat he could ſay?* he pleaded *Quarter*, and vouched *Peters* Teſtimony: vvho vvith a brazen face renounced his former Teſtimony, ſaying, *He novv remembred no ſuch matter, but that the Army ſcorned to give quarter to him, or any of his Nation*: vvhereupon, he vvas condemned to the Block; vvhich Sentence vvas executed upon him, *March* 9. yet they fed *Hamilton* vvith vaine hopes to the laſt gaſp, for feare he ſhould give glory to God, and throvv ſhame and infamy upon themſelves by a Chriſtian confeſſion of his, *Argyles*, and their mutuall vilanies: beſides, ſuch a Diſcovery vvould have made *Argyle* leſſe ſerviceable to them in *Scotland*, vvhoſe next deſigne is to cajole the Kirke by ſeeming an Enemy to the Sectaries of *England*, and pretending to ſerve the Presbyterian Intereſt. Thus I conclude the Tragedy of Duke *Hamilton*.

VVhen *Hamilton* was upon the Scaffold, divers Officers of the Army, and *Hugh Peters* converſed familiarly with him, to the laſt; and Meſſengers paſſed to and fro,

122. The Death of the Ld *Capel*.

In oppoſition to vvhom, I vvill briefly relate the Tragedy of the noble Lord *Capel*, a Gentleman of great courage and integrity. He had made an adventurous eſcape out of the *Tower*, but vvas re-taken by the treachery of a limping VVater-man, (if I knevv his Name I vvould beſtovv a blot of Inke upon him.) He pleaded for himſelfe *Articles of Surrender* (vvhich vvere reall in him, though not in *Hamilton*) *that divers that vvere in* Colcheſter, *and in his condition, had been admitted to Compound*; and *deſired to be referred to Martiall Lavv*, vvhich being denied, He moved, *he might not be debarred of Additionall defence; if he muſt be judged by the Common Lavv, then he demanded the full benefit of that Declaration of the Commons*, 19 Feb. 1648. vvhich Enacteth & Declareth, *That though King and Lords be laid aſide, yet all other the fundamentall Lavves ſhall be in force concerning the lives, liberties and properties of the Subject*: and recommended to them *Magna Charta*, *The Petition of Right*, *3 Caroli*: and the Act made, *H. 7. for indempnity of all ſuch as adhered to the preſent King in poſſeſſione*

alſo

also the exception in the Act of Attainder of *Strafford* and *Canterbury*, which saies, *Their Cases shall not be used as a precedent against any man*: He desired to see his jury, and that they might see him, and so might be Tryed by his Peers, saying, *He did believe no precedent could be given of any Subject Tried, but by Bill of Attainder in Parliament, or by a Iury.* But all was but to charme a deafe Adder. He was a gallant Gentleman, and they durst not let him live.

The KING's Library at St. *Iames's* was given (I heare) to that ignorant Stage player *Hugh Peters.*

123. The Kings Library at Saint *Iames's* given to *Hugh Peters.*

26. *Febr. Iohn Lylborne* delivered to the Commons (by the name of *the Supreme Authority of* England) *A Petition in the name of many thousand well-affected*, with a Booke annexed, entituled, *Englands new Chains discovered.* The most materiall points thereof are, that they find fault with *The Agreement of the People*, presented to the House by Lieut. Gen: *Hammond*, from the Officers of the Army: becaus̃e.

124. L. C. *Lylburnes* Petition to the House, with *Englands new Chaines*, annexed. See the Hunting the Foxes, &c. pag. 8.

1. *They like not there should be any intervalls betweene the end of this Representative now sitting, and the beginning of the next, whereby during the said Intervall the Supreme power will be left in the new erected Councell of State, a Constitution of a new and unexperienced nature, which may designe to perpetuate their power, and keep off Parliaments and Representatives for ever.*

2. *They conceive no lesse danger in that it is provided that Parliaments for the future, are to continue but 6 months, and the Conncell of State 18 Months; in which time having Command of all the Forces by Sea and Land, they will have great opportunities to make themselves absolute and unaccountable.*

3. *They are not satisfied with that Clause in the said Agreement,* That the Representative shall extend to the erecting and abolishing Courts of Iustice; *since the alteration of the usuall way of Tryalls by 12 sworne Men of the Neighbourhood may be included therein, as hath lately been done by erecting a new High Court of Iustice criminall under a President and Commissioners, or Tryers picked and chosen in an unusuall way, all liberty of exceptions against them being over-ruled.*

4. *They are not satisfied with that Clause in the Agreement,* That the Representative have the Highest finall Iudgement; *since*

their Authority is onely to make Generall Lawes, Rules and Directions for Courts, and Persons assigned by Law to execute them, unto which the Representatives themselves are to be subject, it being a great partiality and vexation to the People, that the Law-makers should be Law-executors.

5. *They find fault with the Excise, calling it,* The great obstructor of all Trade, farre surmounting Ship-money, and all Patents, Projects, and Monopolies before this Parliament.

6. *The Act for Pressing of Sea-men.*

7. *The Generall and Officers obstructing the Presse.*

8. *The Chauncery and Courts of Iustice not regulated.*

Hunting the Foxes, *p.* 8. *sajes it vvas Iretons invention.*

9. *They complaine, That a Councell of State is hastily chosen as Guardians of the Peoples liberties, with a vast and exorbitant power:* 1. *To command, order, and dispose of all Forces by Sea and Land, and all Magazines of Store in* England *and* Ireland. 2. *To dispose all Publique Treasure.* 3. *To command any Person whatsoever before them, to give Oath for discovery of Truth.* 4. *To Imprison any that shall disobey their Commands, and such as they shall Iudge contumacious:* vvhat novv is become of *Magna Charta*, and the Liberties of the People, *That no Mans Person shall be Attached or Imprisoned, or Dissesed of his Free-hold or Free-customes but by Lawfull Iudgement of his Equalls?* This Councell of State hath got all Povver into their hands (a project long laboured) and novv their next motion vvill be (*pretending ease to the People*) to Dissolve this Parliament.

10. *The Petitioners complaine, that in order to settle their Tyranny, the Councell of Officers insisted upon it,* That a motion should be made to the House of Commons, to enable them to put to death by Martiall Lavv all such as they shall judge by Petitions, or othervvise to disturbe the present proceedings, vvhether Members of the Army, or not. And vvhen it vvas urged, *That the Civill Magistrate should doe it:* it vvas answvered. * *They could hang tvventy ere the Magistrate could hang one.* The prayer of their Petition is:

* The saying of Col. *Hevvson* the one-eyed Cobler. See Hunting the Foxes. *p.* 10.

1. *That the Self-denying Ordinance be observed.*

2. *That they would consider hovv dangerous it is, to continue the Higheſt Military Commands so long in the same Persons, especially acting so long distinct, and of themselves, as those novv in being have done,*

done, and in such extraordinary ways, whereunto they have accustomed themselves, which was the originall of most Tyrannies.

3. *That they would appoint a Committee of Parliament-men, to hear, and determine all controversies between Officers and Officers Officers, and Souldiers: To mitigate the rigour of Martiall Law, and to provide it be not executed upon any, not members of the Army.*

4. *That they will open the Presses.*

5. *That they will dissolve this Councell of State, threatning so manifest Tyranny.*

6. *That they will severely punish all such as acting upon any Order, Ordinance, or Act of Parliament, shall exceed the power conferred on them.*

125. A second part of *Englands* Newy Chains.

After this, came forth *a second part of Englands new Chaines discovered*, setting forth the hypocrisie and perfidiousnesse of the Councell of the Army and the Grandees, in cheating all Interests, King, Parliament, People, Souldiers, City, Agitators, Levellers, &c. which tells you, *That the Grandees walke by no principles of honesty or Conscience*, but (as meer Polititians) are governed altogether by occasion as they see a possibility of making progresse to their Designes. which course of theirs, they ever termed. *A waiting upon Providence*, that under colour of *Religion* they might deceive the more securely. It tells you, their intent is to Garrison all great Towns, to break the spirits of the People with oppression and poverty. It farther Declares, that these Grandees judge themselves loose, when other men are bound; all Obligations are to them Transitory and Ceremoniall; and that every thing is good and just as it conduceth to their Interests. That the Grandees never intended an Agreement of the People, but onely to amuse that party, whilst they hastily set up a Councell of State to establish their tyranny; that to prepare the way to this, they broke the House of Commons, tooke away the House of Lords, removed the King by an extrajudiciall way of proceedings, and erected such a Court of Iustice as had no place in the English Government. That the remainder of the House of Commons is become a meer channell through which is conveyed all the Decrees and Determinations of a private Councell of some few Officers. All these, and the Votes, *That the Supreme Power is in the People, and the Supreme Authority in the Commons*

their

their Representative, vvere onely in order to their Interests of *will* and *power*. That they place their *security* in the *divisions* of the People. That if the present House of Commons should never so little crosse the ambition of these Grandees, they vvould shevv no more modesty to them than they have done to the excluded Members: And so it concludes vvith a Protestation against their breaking the Faith of the Army vvith all Parties, their dissolving the Councell of Agitators, and usurping a povver of giving forth the sense of the Army against the Parliament and People, against their *shooting to death the Souldier at VVare*, and their cruelties exercised upon other Persons, to the debasing of their Spirits, and thereby nevv-moulding the Army to their Designes: against their playing fast and loose vvith the King and His Party till they had brought a nevv and dangerous VVarre upon this Nation. They also protest against their dissembled Repentances, against their late extraordinary proceedings in Bringing the Army upon the City, (to the ruine of Trade) their breaking the House of Commons in pieces, vvithout Charging the Members particularly, and then judging and taking avvay mens lives in an extraordinary vvay, as done for no other end but to make vvay for their ovvne absolute Domination. They also protest against the Election and establishment of those High Courts of Iustice, as unjust in themselves, and of dangerous precedent in time to come; as likevvise against the Councell of State, and putting some of themselves therein, contrary to their ovvne Agreement. They also protest against all other the like Meetings of those officers, that on Thursday, 2. *Feb.* Voted for so bloody a Lavv, as to hang vvhom they should judge disturbed the Army, as having no povver either by such Councels to give the sense of the Army, or to judge any Person not of the Army, or to doe any thing in reference to the Common-vvealth.

See the Hunting of the Foxes, &c. *p.* 6, 7, 8.

Returne to sect. 2. & 5.

126. The Hunting of the Foxes from *Tryplo* and *Nevvmarket* by 5 small Beagles, *p.* 8.

About this time also became publique a pretty Book, entituled [*The Hunting of the Foxes from New-market and Triploe to VVhite-hall by 5 small Beagles*,] vvhich tells you, That the Grandee-Officers of the Army to keep the Souldiers quiet did formalize about an Agreement of the People vvhilst they carried on their platforme of absolute tyranny (long since hatched by *Ireton*) by erecting *a Councell of State*: no sooner vvas this monster borne,

borne, but it devoured half the Parliament of *England*, & now it is adorning it self with Regall magnificence, and majesty of courtly Attendants, and like the 30 Tyrants of *Athens*, to head it self over the People; this is, and yet this is not our new intended King, there is a King to succeed, this is but his Viceroy. O *Cromwell!* whither art thou aspiring? the word is already given out amongst their Officers, *That this Nation must have one prime Magistrate or Ruler over them, and that the Generall hath power to make a Law to bind all the Commons of England:* This was most daringly and desperately avowed at *White-hall*, and to this temper these Court Officers are now a moulding: He that runs may read & fore-see a new Regality, thus by their Machivilian pretences & wicked practises, they are become Masters & Usurpers of the name of the Army, & of the name of the Parliament, under which Visors they have levelled & destroyed all the Authority of this Nation; for, the Parliament indeed & in truth is no Parliament, but a Representative Glasse of the Councell of Warre; and the Councell of Warre but a Representative of *Cromwell*, *Ireton*, and *Harrison:* and these are *the All in All of the Nation*, which under the guises and names *of Parliament*, *Army*, *Generall Councell*, *High Court*, and *Councell of State*, play all the strange pranks that are played. And further, *p.* 13. The conclave of Officers have sucked in the venome of all former corrupt Courts and Interests, the *High Commission*, *Starre-Chamber*, *the House of Lords*, *the King and his privy Councell*, are all alive in that Court called, *The Generall Councell of the Army.* 1. The *King* stood upon it, *That He was accountable to none but God, that He was above the Parliament and People;* and to whom will these men be accountable? to none on earth: and are they not above the Parliament? they have even a Negative Voice thereover, formerly the Commons could passe nothing without the House of Lords, and now they dare passe nothing without the concurrence of the conclave of Officers: we were formerly ruled by *King*, *Lords*, *and Commons;* now by a *Generall*, *Court Martiall*, *and House of Commons:* what is the difference? the Lords were ruled those few they left sitting to unvote in a thin House, what was voted in a full House; this is more than to usurp a Negative Voice over them: returne to sect. 18. 23. 28.

The House by Vote, 5. *Dec.* 1648. voted, *the King's Concessions a ground, &c.* And the Army secured & expelled 250. Members for using liberty to vote according to their consciences, and over-

not Members both of the House of Peers, and of the House of Commons, but the Officers, (our martiall Lords) are Members both in the House, or Councell of Officers, and in the House of Commons, we have not the change of a Kingdome to a Common-wealth; we are onely under the old cheat, *A transmutation of Names*, but with the addition of *new Tyrannies*, for *casting out one uncleane Spirit, they have brought with them in his stead seven other uncleane Spirits more wicked than the former, and they have entered in and dwell there, and the last state of this Common-Wealth is worse than the first.* Lastly, they set downe *some illegall proceedings and Examinations before the Councell of Warre, exceeding the High Commission, and Starre-Chamber.*

127. The Authors censure of the Levellers.

These three Books shew the late endeavours of the *Agitators*, and that *party* which the *Grandees* politickly mis-call (to cast an *odium* upon them) *Levellers;* they are the truest Assertors of *humane liberty*, and the most constant and faithfull to their Principles, & party of any in the Army; & though they have many redundancies and superfluons Opinions fit to be pruned off by conversing with discreet honest Men, or rather by a discreet & just publique Authority, (which I am confident is feasible, since *their principles* concenter in the *publique*, not in their owne *private Interst and Opinions*, and are no otherwaies changable than conduceth with the emergent occasions of the Commō-wealth) yet they are but like the water-boughs of a healthy fruit Tree, rather troublesom than dangerous, whereas the designes of their Antagonists (like rocks under water, or poyson in well-cooked meat) destroy before they are discovered.

128. The Authors censure of His Majesties *Posthumus* vvorke, entituled, (*The Pourtraicture of His Sacred Majesty in His Solitudes and Sufferings.*)

About this time arose a Phœnix out of *His Majesties* Ashes, that most excellent Issue of His Brayne, entituled, [THE POURTRAICTURE OF *HIS SACRED MAIESTY* IN HIS SOLITUDES AND SUFFERINGS.] A Book full fraught with *Wisdome, Divine and Humane*, shewing Him to be *more than Conquerour* of His Enemies in His rare *Christian patience and charity;* the very reading of it *aggravateth our losse* of so Gracious and excellent a *Prince*, that had learned the whole method of *humane perfection* in the schoole *of adversity*. *Herod* and his *Iewes* never persecuted *Christ* in his swadling-clouts with more industrious malice, then the Antimonarchicall *Independent Faction*, this

this Book in the Presses & Shops, that should bring it forth into the world, knowing that as the *remembrance of Heaven strikes a horror into us of Hell*, So *the contemplation of his vertues will teach us to abhorre their vices.*

March 8. 1648. The Commons assented to a *new Forme* of a Writ for *election of Knights and Burgesses for the Parliament.*

129. The forme of VVrits for Elections changed.

But three dayes before it was reported to the House from the Councell of State, what number of Horse & Foot they thought fit to be kept up for the service of *England* and *Ireland*, and the Monthly charge, which estimated comes to 160000l. *per mensem.* You see we are likely to finde these our new Lords such gracious Masters to us, that (*as the second part of Englands new Chaines* saith) *We shal have Taxes, though we have neither Trade nor Bread.* In the Earle of *Essex* time (when the Warre was at the highest) the Monthly Tax came but to 54000l. a Month, yet had we then seven or eight Brigades besides his Army and Garrisons: but that the Faction of Saints may carry on the worke of a thorow Reformation in our purses, as well as they have done in the Church & Common-wealth, they first raised the Tax to 60000l. a Month for *England*, besides 20000l. a Month pretended for *Ireland* (but I believe little of it slips through their sanctified fingers to go thiter.) And now (to shew they can use double dealing against the Ungodly) they would double the summ from 80000l. to 160000l. a Month; this is to breake our hearts with poperty, and make them take what impressions of slavery they please to set upon them; this Conventicle of State will engrosse all the Coyne & Treasure of the Land into their owne hands, & then subdue us therewith, & make us (like slavish *Aegyptians*) *sell our Selves and our Lands for Bread, or money to buy Bread*, when (that inseparable companion of a long warre) *Famine* approacheth, which their barbarous and illegall *Sequestrations* (unstocking mens Farmes and laying them wast) will inevitably bring upon us; they have more hope to subdue and lessen the number of their Opposites *by famine and want, than by the Sword*; in order to which, they have destroyded the Trade of the City, & undone multitudes of Trades-men, who being disabled to pay their Taxes; the Army cause all their Arreares to be leavied upon the City by a new Tax upon the rest of the Inhabitants & the Out-

103. A nevv establishment for the Army reported to the House from our nevv Masters the Councell of State.

landlords; and when *Cromwell* was told, *this would undoe the City*, He answered, *It was no matter, the more were undone, the more would clap Swords to their sides and come into the Army*: you see Souldiery is intended to be the chief Trade.

131. An Act for Abolishing the Kingly Office, &c.

March 17. 1648. The empty House of commons in farther prosecution of their said Designe, and to please their Masters of the Army, passed, printed, and published in the forme & style of a Statute this Paper following: entituled,

An Act for the Abolishing the Kingly Office *in* England, Ireland, *and the Dominions thereto belonging.*

Since by the law, the Crowne cures all defects; how can the King's blond be attainted?

WHereas Charles Stuart *late King of* England, Ireland, *and the Territories and Dominions thereunto belonging, hath by Authority derived from* Parliament, *been, and is hereby declared to be justly condemned, adjudged to die and put to death, for many treasons, murthers, and other hainous offences committed by him, by which Judgement he stood and is hereby declared to be attainted of High Treason, whereby his Issue and Posterity, and all others pretending Title under him, are become uncapable of the said Crowns, or of being King or Queen of the said Kingdome or Dominions, or either or any of them:*

We have sworn faith & Allegiance to K. *Charls* the First, His lawfull Heyres & Successors, and our Vow is recorded in Heaven from which no power on earth can absolve us. See the Oathes of Allegiance, Obedience, and Supremacy.

Bee it therefore Enacted and Ordained, and it is Enacted, Ordained, and Declared, by this present Parliament, *and by Authority thereof, That all the People of* England *and* Ireland, *and the Dominions and Territories thereunto belonging, of what degree or condition soever, are discharged of all Fealty, Homage and Allegiance which is or shall be pretended to be due unto any of the Issue and Posterity of the said late King, or any claiming under him; and that* Charles Stuart *eldest Sonne, and* James *called* Duke of Yorke, *second Sonne, and all other the*

The Statute of Recognition, 1. *Iac.* But the Commons are now so Supreme, as in imitation of the Pope to bring this Clause in practise, *Licet de jure non possumus, tamen pro plenitudine potestatis nostræ volumus, &c.*

Issue

Issue and Posterity of him the said late King, and all and every person and persons pretending Title from, by, or under him, are and be disabled to hold or enjoy the said Crown of England *and* Ireland, *and other the Dominions thereunto belonging, or any of them; or to have the Name, Title, Stile or Dignity of King or Queen of* England *and* Ireland, *Prince of* Wales, *or any of them; or to have and enjoy the power and Dominion of the said Kingdoms and Dominions, or any of them, or the Honors, Manors, Lands, Tenements, Possessions, and Hereditaments belonging or appertaining to the said Crowne of* England *and* Ireland, *and other the Dominions aforesaid, or to any of them; or to the Principality of* Wales, *Dutchy of* Lancaster *or* Cornwall, *or any or either of them, Any Law, Statute, Ordinance, Vsage or Custome to the contrary hereof in any wise notwithstanding: And whereas it is and hath been found by experience, that the Office of a King in this Nation and* Ireland, *and to have the power thereof in any single Person, is unnecessary, burthensome and dangerous to the liberty, safety and publique interest of the people, and that for the most part, use hath been made of the Regall power and prerogative, to oppresse, impoverish and enslave the Subject; and that usually and naturally any one person in such power, makes it his interest to incroach upon the just freedome and liberty of the People, and to promote the setting up of their owne Will and power above the Lawes, that so they might enslave these Kingdoms to their owne Lust:* * *Be it therefore Enacted and Ordained by this present Parliament, and by Authority of the same, That the Office of a* King *in this Nation, shall not henceforth reside in, or be exercised by* any one single Person; *and that no one person whatsoever, shall, or may have, or hold the Office, Stile, Dignity, Power or Authority of* King *of the said Kingdoms and Dominions,*

All our Lawes cut off by the *non obstante* of an eyght part of the House of Commons sitting under a force.

After almost 1000. years experience it novv found to be dangerous.

The English vvere never one half-quarter so much ensaved since *William* the *Conquerour* subdued them, as they have been since *Oliver* the Brevver subjugated them.

* But in a Councell of State of forty Tyrants sitting under the protectiõ and avve of *Oliver*.

ons, or any of them, or of the Prince of Wales, *Any Law, Statute, Vsage or Custome to the contrary thereof in any wise notwithstanding. And it is hereby Enacted, That if any person or persons shall endeavour to attempt by force of Armes, or otherwise, or be ayding, assisting, comforting or abbetting, unto any person or persons that shall by any waies or meanes whatsoever, endeavour or attempt the reviving or setting up againe of any pretended Right of the said* Charles, *eldest Sonne to the said late King,* James *called* Duke of Yorke, *or of any other the Issue and Posterity of the said late* King, *or of any person or persons claiming under him or them, to the said Regall Office, Stile, Dignity, or Authority, or to be Prince of* Wales; *or the promoting of any one person whatsoever, to the Name, Stile, Dignity, Power, Prerogative or Authority, of King of* England *and* Ireland, *and Dominions aforesaid, or any of them; That then every such offence shall be deemed and adjudged* High Treason, *& the Offenders therein, their Counsellors, Procurers, Ayders and Abettors, being convicted of the said Offence, or any of them, shall be deemed & adjudged Traytors against the Parliament and People of* England, *and shall suffer, lose and forfeit, and have such like & the same paines, forfeitures, judgements and execution, as is used in case of High Treason: And whereas by the abolition of the Kingly Office provided for in this Act, a most happy way is made for this Nation (if God see it good) to returne to its just and antient right* of being Governed by its owne Representatives or Nationall meetings in Councell *, *from time to time chosen and entrusted for that purpose by*

High Treason is what these Legislative Thieves list to make it, an Arbitrary crime, notwithstanding the Stat. 25 Ed 3. for limiting & ascertaining of Treasons, for security of the People. *Tiberius* and *Nero*'s daies are fallē upon us; of which *Tacitus, Ingens crimen divitiæ; & complementum omnium accusationum, læsa majestas.*

* When was *England* governed by their owne Representative? or had any other reglimenr then Kings? But what the Legislative Conventicle declares, we must believe though contrary to our knowledge. They will lead our faith and reason in a string, or have our necks in a halter. A period to this Parliament, and leave the Supreme power in the Councell of State, a designe long since attempted. See 1 and 2 part of *Englands New Chaines*, and the *Hunting of the Foxes*. No obedience is due by Law to them, which takes no notice of this forme of Government.

the

the People; *It is therefore Resolved and Declared by the Commons assembled in Tarliament, that they will put* a period to the sitting of this present Parliament, *& dissolve the same so soon as may possibly stand with the safety of the people that hath betrusted them, and with what is absolutely necessary for the preserving and upholding the Government now setled in the way of a Common-wealth; and that they will carefully provide for the certain chusing, meeting and sitting of the next and future Representatives, with such other circumstances of freedom in choice and equality in distribution of Members to be elected thereunto, as shall most conduce to the lasting freedome and good of this Common-wealth: And it is hereby further Enacted and Declared, notwithstanding any thing contained in this Act, no person or persons of what condition and quality soever, within the Common-wealth of* England *and* Ireland, *Dominion of* Wales, *the Islands of* Guernsey, *and* Jersey *& Towne of* Berwick *upon* Tweed, *shall be* discharged from the obedience and subjection *which he and they owe to the Government of this Nation, as it is now Declared, but all and every of them shall in all things render and performe the same, as of right is due unto the Supreme Authority hereby declared to reside in this and the successive Representatives of the People of this Nation, and in them onely.*

About the same time they passed another Act, for Abolishing the House of Peers, to this purpose.

1:2. An Act for Abolishing the House of Peers.

THe Commons of England *assembled in Parliament, finding by too long experience that the House of Lords is useless and dangerous to the People of* England *to be continued, have thought fit to Ordaine and Enact, and be it Ordained and Enacted by this present Parliament, and by the Authority of the same, That from henceforth the House of Lords in Parliament shall be, and is hereby wholly abolished and taken away, and that the Lords shall not from henceforth meet, or sit in the said House called* the Lords House, *or in any other House or place whatsoever, as a House of Lords; nor shall sit, vote, advise,*

More Nevv lights, nevv discoveries made by forty or fifty *Ignes fatui*, grosse fiery Meteors, remaining in the H: of Commons.

adviſe, adjudge, or determine of any matter or thing whatſoever, as a Houſe of Lords in Parliament. Nevertheleſſe it is hereby Declared, That neither ſuch Lords as have demeaned themſelves with honour, courage, Fidelity to the Common-wealth, nor their Poſterities who ſhall ſo continue, ſhall be excluded from the publique Councels of the Nation, but ſhall be admitted thereunto, and have their free Vote in Parliament if they ſhall be thereunto Elected, as other Perſons of intereſt elected aud qualified thereunto ought to have: And be it farther Ordained and Enacted by the Authority aforeſaid, that no Peere of this Land not being Elected, qualified, and ſitting in parliament, as aforeſaid, ſhall claime, have, or make uſe of any Priviledge of Parliament, either in relation to his perſon, quality or eſtate, any Lawes, Vſage or Cuſtome to the contrary notwithſtanding.

* 133. A Declaration of the Commons, to ſhew the Reaſons of their ſaid proceedings. The State is Free, but the People Slaves; as a Galley is free, but the Rowers Slaves. 1. part. 72. 73. See theſe Books (*A full Anſwer to an infamous Pamphlet, entituled, A Decl: of the Commons of* England.] [*The Charge againſt the King diſcharged.*) (*The Royall and Royaliſts Plea,*) (*King* Charles *vindicated, &c.*) And His Maj: laſt Book, or *Pourtraicture.* & *His Maj: Gracious Meſſages for Peace.*

And to leſſen the amazement of the People, the ſame day they paſſed and Ordered to be printed a Booke, called, [*A Declaration of the Parliament of* England, *expreſſing the grounds of their late proceedings, and of ſetling the preſent Government in the way of a Free-State:*] when they formerly paſſed the 4. Votes for *no more Addreſſes* to our late King, they ſeconded it with a Declaration, *to ſhew the Reaſons of thoſe Votes*, wherein they ſet forth no new matter but what they had formerly in parcels objected againſt Him; and yet they have ſince that time made Addreſſes to him, & both taken & cauſed others to take the Oaths of Allegiance & Supremacy, & the Proteſtation & Covenant *to defend His Perſon and Authority, &c.* And in this Declaration there is no new objection of moment, but what is conteined in the former Declarations againſt Him, and as I looked upon the *firſt* Declaration as a *Prologue*, ſo I looke upon this *laſt* as the *Epilogue to His Majeſties Tragedy.* The whole matter of charge in both of them hath been ſufficiently Anſwered in ſeverall Books, and either confuted or juſtified, to which I refer the Reader; whom I will only trouble with ſome few ſhort Obſervatiõs of my owne upon it: (*p.* 5.) The Parliament (in imitation of their Maſters, the Councell of Officers) pretend *a neceſſity to change the fundamentall Government into a Free-State, to prevent Tyranny, Injuſtice, and War, &c.* (I doubt rather to promote them.) It affirmeth, (*pag.* 15, 16. *That Offices of Inheritance are forfeited by Breach of Truſt:*

Trust, (a condition annexed to every Office) and seems to imply as much of *the Kingly Office:* but this Pen-man had forgot, that by the Lavv *the Crowne takes away all defects*, and *the King being Supreme Head and Governour over all Persons, and in all Causes*, it vvere absurd to make Him accountable to any Authority; for in such case, that Authority vvould be Supreme to Him, and so erect tvvo Supremes one jarring and interferring vvith the other, vvhich in Lavv and Policy is as absurd as to suppose tvvo Almighties or Infinities in Divinity, vvhich cannot be, for that one Infinity vvould terminate another: *Impossibile esse plura Infinite, quoniam alterum esset in altero finitum*, saith *Cusanus.* (*pag.* 16.) The Declarers play the Orators in behalf of the felicity of Government *by Free-States*, rather than *by Kings and Princes.* This is a spacions field to vvalk in, I vvill onely cite some learned Authors living in Republiques of a contrary opinion, and send my Readers to them for their Arguments. It applauds the *prosperity* and *good Government* of the *Switz:* vvhich (*I* think vvas never commended before) a grosse-vvitted People, living in a confused vvay of Government, vvhere virtue and industry find no revvard, the Rich become a daily pray to the Poore, and their popular Tribunes, vvho uphold their credits by calumniating the vvealthy, and confiscating (or sequestring) their Estates, the best vvealth of this Nation is Pensions from Neighbour Princes, to vvhom they let their Bloud to Hire, and become Mercinaries many times to the extreame dammage and (if their Country vvere vvorth subduing) danger of the State. For *Venice* it is *an Aristocracy* (if not *Olygarchy*) of many *petty Kings*, so burdensome to all their Subjects upon *Terra firma*, that they dare not trust them vvithout *Citadals* to keep them under; they never confide in any of their number or Natives to be Comander in Chief of their Land Forces) fearing to be tyrannized over by a *Cromwell* or an *Ireton*, or by some property subordinate to them in all but Title. The *Morlachy*, and many Inhabitans of *Dalmatia*, and *Candia*, have lately preferred the *Turkish Government* before theirs. As for the *Low Countries*, (their neerest example) peruse *Bernavelt's Apology*, and many good Histories. For *Rome*, from their *Regifugium*, they vvere never free from Civill VVarres, ceceſſious Tumults, and changes of Government; first to Patritian Consvlls, *Regia pote-*

See *Greg: Tholosanus, l. pol.* 1. *Keckerin: Systemapol. l.* 1. *Contzenii. l. politic.* 1. *à cap.* 17. *ad c.* 25 and many good Authors quoted by him. *Mæcenalis orationem ad Augustum, apud Dionem Cassium.*

ſtate; then to promiſcuous Conſuls (*Plebeyans* as vvell as *Patritians*) vvith popular Tribunes to controule them (then to *Decemviri legibus Scribendis*; then to *Tribuni militares conſulari poteſtate*, Dictators upon all ſpeciall occaſions, ſometimes an *Ariſtocrary*, ſometimes a *Democracy*, betvveen tvvo Factions *Patritian* and *Plebeyan*. And never could that unhappy Idoll of the multitude [*Liberty*] find any time of ſetled reſt and Government untill their giddy Republique vvas overthrovvne by *Iulius Cæſar*, and turned into a *Monarchy* by *Auguſtus*, vvhich approved *Cratippus* ſaying, *Vitioſum Reipub: ſtatum exigere Monarchiam*; and then (and not till then) *Rome* came to his height of Glory and Dominion, and continued ſo a long time, ſometimes empayred by the vices of ſome Emperors, and ſometimes repaired by the virtues of others: he that reads *Livy* and *Tully's* Orations, vvith many other Authors, ſhall find hovv infinite corrupt the People vvere, both in making and executing Lavves, in diſpenſing Iuſtice both Diſtributive and Commutative; vvhat Complaints, that their *comitia* vvere *venalia*; vvhat Bulvvorks they vvere faine to erect againſt the ambition and covetouſneſſe of their Great men; *Leges Ambitus*, *leges Repetundarum peculatus*; all to no purpoſe: the great abuſe of Solicitors and Vndertakers in every *Trybeſto contracte*, for ſuffrages: the Domeſtick uſe of their *Nomenclators*, their Prehenſations, Invitations, Clientſ hips; their kiſſings and ſhaking hands (even from the greateſt Perſonages) proſtituted to every Cobler and Tinker; their coſtly publique Shevves and ſpectacles to vvoe the Rabble; he that reads obſervingly ſhall find that *ambition* and *covetouſneſſe* (nurſes of all corruption) vvere the beſt part of the vviſdome and induſtry of that *Republique* untill it came to be *a Monarchy*, and ſhall farther find, that thoſe corrupt manners and cuſtomes vvhich the People (from the higheſt to the lovveſt) had contracted during the ſeverall licentious Alterations of their Common-vvealth, from one forme of Republique to another: vvere (like a ſecond nature) not to be corrected by the better diſcipline of *a Monarchy*, and (at laſt) occaſioned the ruine of that *Monarchy*, together vvith the deſolation of that Nation, vvhich ſhevves, *that Monarchy* (vvith vvhich their Nation began) *vvas their naturall and genuine Government*, vvhen it could not be taken avvay *ſine interitu ſubjecti*, vvithout the

See ſome Authorities cited *verbatim* in the firſt Page.

the ruine of the vvhole subject matter. (*p.* 11.) It is said, *It hath been lately computed, that the Court purveyances* (notvvithstanding many good Lavves to the contrary) *cost the Country more in one yeare, than their Assessments to the Army*; vvhat? above 1000000l. a month, vvhen the charge of the KING's House-keeping came but to 500000l. a yeare: (I speake not of VVages and Pensions) I knovv not vvho should make this computation, unlesse old Sr *Henry Vane*, and his Man *Cornelius Holland*, (the latter of vvhich vvas turned out of his Office in *the Green-cloth* for abusing his Place) not in vvhose time of employment (unlesse their ovvne) such prodigious abuses should happen. (*p.* 19.) It is said, *The legall and justifiable Revenue of the Crowne fell short of* 1000000l. *per annum*: I perceive this is all the Account the Common-vvealth is likely to have from the Committee of the Kings, Queens, and Princes Revenue, nor doe I knovv vvhat a pruning hooke that phrase (*legall Revenue*) may prove: But I conceived all that Q. *Elizabeth*, the Kings Father and Himself received, had been His Revenue *de jure*; I am sure it vvas *de facto*, and the Parliament in their Declarations promised *to settle a better Revenue upon Him than any of His Ancestors enjoyed*: neither did this, nor any former Parliament complaine, *that His Purse was growne too full, or His Revenue too fulsome*: and if the Committee of the Revenues had enjoyed no more but their ovvn legall and justifiable Revenue, so many of the KING's Servants and Creditors had not starved forvvant of their ovvne. (*p.* 19.) They very much aggravate *Monopolies*, *Patente*, and *Projects*: I vvonder they suffer so many Men guilty in that kind to sit in their House, old Sir *Henry Vane*, Sir *Henry Myldmay*, Sir *Iohn Hypsley*, *Cornelius Holland*, *Laurence VVhytakers*, *&c.* (*p.* 20.) They speake against *the Lords Negative Voice*, but not a vvord against the Councell of VVarres Negative Voice, vvho march up in hostile manner against Parliament and City, and secure, seclude, and drive avvay 250 Members at one time, if they vote any thing contrary to their Interest. They speak likevvise against *the Lords Iuditiall power over Commoners*, but have forgot vvhat unjust and illegal use themselves attempted to make of the Lords jurisdiction against the 11 impeached Members, the 4 Aldermen, and Citizens. (*p.* 21.) They excuse their receding from their Declaration of *April*, 1646. (they might

The Kings Revenue by a *medium* of 7 years was yearly 700000l.

2 Part of *Englands* New Chaines discovered, &c. and the Hunting the Foxes return to s. 127.

1 Part, sect. 45, 46, 47, 48, 49, 50, 51, 52, 53, 54.

have minded you of a Vote of a later Date, had it made for their turne) *for Governing the Kingdome by King, Lords, and Commons.* To this it is said, *the King nor Lords could take no advantage thereof being a contract they never consented unto*, indeed it vvas never presented to them; but I shall aske vvhether the people may not take advantage thereof? for vvhose satisfaction this vvas Declared, (a generall grudge being then amongst them) *that the Parliament and Army would subvert the antient Fundamentall Government*, (*p.* 22, 23.) They answver an Objection, *that these great matters ought to be determined in a full House, not when many Members are excluded by force, and the priviledges so highly broken, and those who are permitted to sit, doe act under a force.* To this is answvered (hovv truly let any man that hath read our Histories tell) That fevv Parliaments have Acted but some force or other hath been upon them, (I vvonder they did not argue thus for the silly *Tumult of Apprentices*) for Breach of Priviledge of Parliament. They Answver, *It will not be charged upon the remaining party, or to have been within their power to prevent it, or repaire it*, (to this I reply, that it is doubted the remaining party (being the Army party) contrived it in their *Iunto* at *Somerset-house*: for (*p.* 23. it is acknovvledged, *they called and appointed the Army for their Guard*, vvhich vvas not openly done by a full House: it must be therefore secretly done by a party. See many Reasons for this conjecture before §. 24. Farther they say, *That the safety of the Kingdome ought to be preferred before priviledge of Parliament; and that if their House had declined their duty* (*viz:* by not Acting) *they had resigned up all to ruine and confusion*: from vvhence should this ruine and confusion come, but from their ovvne Army, vvhich they perpetuate to eate up the Kingdome; and continue their ovvne *power and profit?* and I vvonder they did not use the same moderation after that childish Tumult of Apprentices, but *Declared all Acts*, &c. *passed from 26 Iuly* (vvhich day the Tumult began and ended) *to the 6. August, null and void.* And endeavoured to make the very sitting of the Members and the Citizens obeying to the said Orders (though no Iudges of the force) *Treasonable:* they deny they sit novv under a force, the Army being their best friends, called by them *for their safety.* Indeed it is generally thought the Army and this remnant of the House of Commons,

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are as good Friends and Brethren as *Simeon* and *Levi*, *Pilate* & *Herod* vvere; and vvere called to secure the Members & purge the Houſe: yet if the remaining party ſhould Vote contrary to the Dictates of the Councell of VVar, *Quære*, VVhether they vvill not be uſed as uncivilly as the ſecured Members? nay vvorſe, by being called to account for couſening the State. (*p.* 24.) They ſay, *There is a cleer conſiſtency of our Lawes with the preſent Government of a Republique.* I deſire to knovv vvho by our Lavv can *call* or *hold a Parliament* but *the* KING? vvho is, *Principium*, *Caput*, *& Finis Parlamenti?* vvho is the fountaine of Iuſtice, Honour, Peace, vvhen vve have no King? vvho is Conſervator of the Lavves, and Protector of the People? vvhere is the Supreme Authority? to Vote it (in their ovvne caſe) to be in a Repreſentative of 50 or 60 Commons, vvithout legall proofs or precedents is to lead Mens reaſon captive, as vvell as their Perſons and Eſtates, (to impoſe an implicite faith upon Man, not to uſe diſcourſe and reaſon againſt their Votes, is to take Man out of Man, to deny him his definition, *Animal rationale*) to vvhom doth the Subject ovve Allegiance? and vvhere is the Majeſty of *England* vvhen there is no King? for all Treaſon is, *Crimen læſæ majeſtatis, contra debitam ligeanciam.* Therefore vvhere (by the knovvn Lavvs) no Allegiance is, there is no Treaſon. Laſtly, if our preſent Lavvs be ſo conſiſtent vvith the Republique, I deſire to knovv vvhy they did not Trie the 4 Lords legally at the Common Lavv by their Peeres, and Sir *Iohn Owen* by a Iury of 12 Men of the Neighbourhood, according to *Magna Charta*, and other good Lavvs? but vvere faine to put a Legiſlative Trick upon them, and erect ſuch a Court for the Triall of them as vvas never heard of in *England* before, nor hath no place in our Government. They conclude (*p.* 26.) *That as they have not intermedled with the affaires and Government of other States, ſo* (they hope) *none will intermeddle with them:* This aſſertion is as true as the reſt, it being vvell knovvne, that for about 3 years laſt paſs'd they have boaſted, That they have many Agents in *France*, vvho under colour of Merchandiſe, vent Antimonarchicall & Anarchicall Tenents, and ſovv ſeeds of Popular Liberty amongſt the poore Peaſants and Hugonots of *France*, vvhich they brag proſpered vvell there; their very declared principles and doctrine of ther Pulpits and Army

2 Part of *Englands* New Chaines, and the Hunting the Foxes, &c.

are, *That they must break the Powers of the Earth in pieces.* Monarchy must down all the world over, first in *England*, then this Army must put over and manumit the Peasants of *France*, the Boors of *Germany*, &c. And divers of this Party have reported, that *they have supplied the Revolters of* France *with money*; their Licenced News-books are full of this Doctrine, and of many invectives against the Tyranny of the *French King*.

134. *Harry Martin's* Judgement of the King and Kingly Government.

Such were their proceedings *against the King*, or rather *against Kingly Government*, which was cut off by the same Axe that murthered the King, and was (indeed) first in their intention, though last in execution; as appeareth by *Harry Martin's* Speech in the House upon the Debate, *Whether a King, or no King? That if they must have a King, he had rather have had the last than any Gentleman in England?* he found no fault in *His Person*, but in *His Office*.

135. The Councell of Officers endeavour to joyn Interests with the Papists in *England* & *Ireland*.

The KING had offended the Papists in the last Treaty, by granting so much to the Parliament for their suppression: The Independents perceiving it, and willing to joyne with any Interest to make good their Designe. It was proposed at the Councell of Officers, *That the Papists should raise and pay about* 10000. *Additionall Forces for this Army, in recompence whereof, all penall Lawes concerning them should be repealed, all Taxes and Contributions taken off, and they to have the protection of this Parliament and Army.* Under the same notion they endeavoured to joyne Interests with *Owen Roe Oneale*, that commanded the bloudy Party of massacring Irish (with which they had formerly taxed the King) they supplied him with Ammunition, and admitted *O Really*, the Popes Irish *Nuntio* to a Treaty here in *England*, Sir *John Wynter* was taken into imployment, and the Arrears of his Rents gathered for him by Souldiers, to the regret of the Countrey. Sir *Kenelme Digby* had a Passe to come into *England*, and came; as was foretold by a Letter from an Independent Agent for the Army, from *Paris* to an Independent Member of the House of Commons, a Creature of the Army, bearing Date, 28. *Nov.* 1648. and printed at the latter end of [*The True and full Relation of the Officers & Armies forcible seizing of divers eminent Members, &c. Walter Mountague* let forth upon Bayle; what becomes of this Negotiation? and whether those that have played fast and loose

Owen Roe Oneale.

The Popes *Nuntio.*

with

vvith all Interests in the Kingdome, have not done the like vvith the Papists? I cannot yet learne.

This VVinter, Coales (as vvell as other things) had been at excessive rates in the City, vvhereby many poor perished vvith cold and hunger; vvhat the reason thereof vvas (besides unreasonable Taxes, Excise, and Souldiers quartering in and neer the City) vvas diversly disputed: most Men imputed the blame to Sir *Arthur Hasterigge* Governour of *New Castle*, vvho (vvithout any publique Authority) presumed to lay on a Tax of 4s. a Chaldron upon the Coales there; vvhich is estimated to amount to 50000l. a yeare; vvhat use that Money vvas put to vvas as variously vvhispered: as likevvise vvhat designe they had in bringing so pinching a vvant upon the City? some said, it vvas to enforce the poorer sort into Tumults, and then to charge the vvealthier sort vvith the crime, and ensnare them; others said, it vvas to cast an *odium* upon the PRINCE, as if His Ships had kept in the Colliers.

136. Scarcity of Coals how ocasioned, and why.

The 23. *March*, 1648. The Commons Ordered, *That the Lord Mayor of* London *in Person be required to publish and proclaime in the City the aforesaid Act for dissolving Kingly Government: and to give an account thereof to the House.* The Mayor refusing this service, vvas by the Commons called to the Barre, fined 2000l. committed Prisoner to the Tovver, and outed of his Mayoralty; and Alderman *Andrewes* (a Man after their ovvne heart) chosen by a fevv Schismaticks in his Place.

137. The Lo:Mayor ordered to proclaim in person the Act for Abolishing the Kingly Office; and punished for neglect.

Ordered by the Commons (upon a report from the Councell of State) *that Commissioners be appointed to make Sale of the Kings, Queens, and Princes Personall Estate, upon Inventory and Appriſall, for satisfaction of all just Debts due to well-affected Persons* (*viz.*: Men of their Faction) *in this Nation, before the beginning of these VVarres: But first* 300000l. *to be taken out of it for the use of this Summers Fleet, and that it be referred back to the* 40 Hogen Mogens, or *Councell of State to consider what they think fit to be sold, and what they think fit to keep and reserve for the use and furniture of them and their Attendants.* Observe, that by that time this gulph is stopped, the vvhole remainder to be sold for payment of Debts aforesaid, may be vvritten vvith a Cypher.

138. The Kings, Queens and Princes personall Estate ordered to be sold.

I heare the House hath given avvay the KING's House, Parks and Honour of *Eltham* to Sergeant *Bradshaw*, their *quondam* President.

139. Crown Lands shar'd amongst the Godly.

sident. *Greenwich* to *Bolstrode VVhitlocke.* The Lyons Skin is novv dividing amongst the Party. Thus have they killed and taken possion: and the King's Revenue hath proved as ominous to Him as *Naboth's* Vineyard vvas to his Master.

140. Another Report for an establishment for the Army. Diurnall, *Mar.* 30, 31, 1649.

This day another Report vvas made to the House from the Committee of the Army of the particular summes to be Monthly leavied in each County, to make up the vvhole summe of 90000l. Monthly for the Armies of *England* and *Ireland*, besides 20000l. *per mens.* out of Fee-farme Rents.

141. An Order, that no Preacher meddle with State affairs.

28, *March*, 1649. The Commous in pursuit of the advice given them by Monsieur *Paw*, and according to the example cited by him of the *Low Countries*, Ordered, *That no Minister in his Pulpit should meddle with any State affairs:* had this been observed from the beginning these Pulpit Incendiaries had never kindled a VVar betvveen the King and Parliament.

142. The 5. Lights of *Walton.*

About the beginning of *Lent* last, Master *Faucett* Minister of *VValton* upon the *Thames* in *Surrey*, preached in his Parish Church after dinner, vvhen he came dovvne out of his Pulpit it vvas tvvy-light; and into the Church came six Souldiers, one of them vvith a Lanthorne in his hand and a Candle burning in it, in the other hand the had foure Candles not lighted: He vvith the Lanthorne called to the Parishoners to stay a little, for he had a Message to them from God; and offered to go up into the Pulpit, but the Parishioners vvould not let him; then he vvould have delivered his errand in the Church, but there they vvould not heare him; so he vvent forth into the Church-yard, the people follovving him, vvhere he related to them, *That he had a Vision, and received a command from God to deliver his will unto them: which he was to deliver, and they to receive upon paine of damnation. It consisted of* 5 *Lights:*

1. *That the Sabbath was abolished as unnecessary, Iewish, and meerly ceremoniall: And here* (quoth he) *I should put out my first Light, but the wind is so high I cannot light it.*

2. *Tythes are abolished as Iewish and ceremoniall, a great burden to the Saints of God, and a discouragement of industry and tillage: And here I should put out my secoud light, &c.* as aforesaid, vvich vvas the burden of his song.

3. *Ministers are abolished as Antichristian, and of no longer use now Christ himselfe descends into the hearts of his Saints, and his Spirit*

Spirt enlighteneth them with Revelations, and Inspirations: And here I should have put out my third Light, &c.

4. *Magistrates are abolished as useless, now that Christ himself is in purity of Spirit come amongst us, and hath erected the Kingdom of the Saints upon earth; besides, they are Tyrants and Oppressors of the Liberty of the Saints, and tie them to Lawes and Ordinances, meer humane inventions: And here I should have put, &c.*

5. Then putting his hand into his pocket, and pulling out a little Bible, he shewed it open to the People, saying, *Here is a Booke you have in great veneration, consisting of two parts, the Old and New Testament; I must tell you, it is abolished: It containeth beggarly rudiments, milke for Babes; But now Christ is in Glory amongst us, and imparts a fuller measure of his Spirit to his Saints then this can afford; and therefore I am commanded to burne it before your faces:* so taking the Candle out of his Lanthorne, he set fire of the leaves. And then putting out the Candle, cryed, *And here my fift Light is extinguished.*

143. The Earle of *Warwicke's* Commission recalled; and 3 Admirals appointed.

Upon a Report from the Councell of State, the Commons Voted *void* the Earle of *Warwick's* Commission for Admirall, and appointed three Commissioners to have and execute the Admirals Place, with 3l. a day a piece; a Commission for Martiall Law, and Land Souldiers aborad to keep under the Seamen. The three Admirals are, Col. *Edw: Popham*, Col. *Rob: Blake*, and Col. *Deane*.

144. *Cromwell* turned Preacher.

Sunday after *Easter-day*, six Preachers militant at *White-hall* tried the patience of their Hearers; one calling up another successively: at last the Spirit of the Lord called up *Oliver Cromwell*, who standing a good while with lifted up eyes, as it were in a trance, and his neck a little inclining to one side, as if he had expected *Mahomet's* Dove to descend and murmure in his eare; and sending forth abundantly the groanes of the Spirit, spent an hower in prayer, and an hower and an halfe in a Sermon. In his prayer *he desired God to take off from him the Government of this mighty People of* England, *as being too heavy for his shoulders to beare*: An audations, ambitious, and hypocriticall imitation of *Moses*. It is now reported of him, that he pretendeth to Inspirations; and that when any great or weighty matter is propounded, he usually retireth for a quarter or halfe an hower, and

then returneth and delivereth out the Oracles of the Spirit: surely the Spirit of *Iohn of Leyden* will be doubled upon this Man.

145. The last Retreat of the faction by H. *Martins* report.

About this time the *Palsgrave* tooke his leave of the Parliament, being much courted and complemented by them, and his 8000l. *per annum*, with all Arreares confirmed to him: since his departure *Harry Martyn* (in a jolly humour) was heard to say, *If the worst hapned, and that they should not be able to stand their ground in* England, *yet the* Palsgrave *would afford them a place of retreat in the Palatinate*; the seeds of these Anarchicall, Anabaptisticall humours (upon the reducing of *Munster*) spread themselves in *England*, and now have a mind to returne into *Germany* to kindle a fire there.

146. *Io. Lilburne's* third Booke, called, [*The Picture of the Councell of State.*]

About this time *Iohn Lilburne*, and his Company, set forth a Book, called, [*The Picture of the Councell of State, &c.*] wherein they set forth *the illegall and violent proceedings of the said Councell against them in seizing upon them with armed Bands of Souldiers, and interrogating them against themselves, &c.* (where they have these words) *The Faction of a trayterous Party of Officers of the Army hath twice rebelled against the Parliament, and broke them in pieces, and by force of Armes culled out whom they pleased, and imprisoned divers of them, and layed nothing to their charge; and have left onely in a manner a few men* (besides 11 of themselves, *viz:* the Generall, *Cromwell*, *Ireton*, *Harrison*, *Fleetwood*, *Rich*, *Ingolsby*, *Haslerigge*, *Constable*, *Fennicke*, *Walton*, and *Allen* Treasurer) *of their owne Faction behind them, that will* (*like Spaniel-dogs* (*serve their lusts and wills*; *yea, some of the chiefest of them*, viz: *Ireton*, *Harrison*, *&c.* yea, Mr. *Holland* himself styled them *a Mock-Parliament, a Mock-power*, at *Windsor*; yea, it is yet their expressions at *London*: And if this be true that they are a Mock-power, and a Mock-Parliament, then, *Quare*, Wether in Law or Iustice (especially considering they have fallen from all their many glorius promises, and have not done any one action that tends to the universall good of the people) can those Gentlemen sitting at *West-minster* in the House (called, *the House of Commons*) be any other than a factious company of Men, trayterously combined together with *Cromwell*, *Ireton*, and *Harrison*, to subdue the Lawes, Liberties, and Freedomes of *England*, (for no one of them protests

protests against the rest) and to set up an absolute and perfect tyranny of the Sword, will, and pleasure, and absolutely intend the destroying the Trade of the Nation, and the absolute impoverishing the people thereof, to fit them to be their Vassals & Slaves. And againe, the three forementioned Men; *viz: Cromwell*, *Ireton*, and *Harrison*, (the Generall being but their stalking horse, and a cypher) and their trayterous faction, having by their wills and Swords got all the Swords of *England* under their command, and the disposing of all the great Places in *England* by Sea and Land, and also the pretended *Law-making* power, and the pretended *Law-executing* power, by making among themselves (contrary to the Lawes and Liberties of *England*) all Iudges, Iustices of Peace, Sheriffs, Bayliffs, Committee-men, &c. to execute their wills and tyranny, walking by no limits or bounds, but their owne wills and pleasures, and trayterously assume unto themselves a power to leavy upon the people what money they please, and dispose of it as they please, yea even to buy knives to cut the peoples throats that pay the money to them, and to give no account for it till Doomes-day in the afternoone; they having already in their wills and power to dispose of the Kings, Queens, Princes, Dukes, and the rest of the Childrens Revenue; Deanes and Chapters Land, Bishops Lands, Sequestred Delinquents Lands, Sequestred Papists Lands, Compositions of all sorts, amounting to Millions of money, besides Excise and Customes; yet this is not enough, although (if rightly husbanded) it would constantly pay above one hundred thousand men, and furnish an answerable Navy thereunto: But the people must now after their Trades are lost, and their Estates spent, to procure their Liberties and Freedomes, be cessed about 100000l. a Month, that so they may be able like so many Cheaters and State-thieves, to give six, eight, ten, twelve, fourteen, sixten thousand pounds a piece over again to one another, (as they have done already to divers of themselves) to buy the Common-wealths Lands one of another, (contrary to the duty of Trustees, who by Law nor equity, *can neither give nor sell to one another*) at two or three yeares

Master *Boone* a Member of the House, lately Tapster, hath 6000l. given him.

Sir *Arth: Hasrig* 3 great Mnouns, *Bisho*

Aukland, *Ever-wood*, and another. Col. *Backster* (the pitifull Thimble and Bodkin Gold-smit bought as much Bishops Lands as cost 100000l. at two or three years purchase, and hath alrea raised his money.

purchase. (the true and valuable rate considered) as they have already done, and to give 4 or 5000l. *per annum*, over againe to King *Cromwell*, as they have done already out of the Earle of *Worcesters* Estate, &c. besides about 4 or 5l. a day he hath by his Places of Lieut. Generall, and Colonel of Horse in the Army; although he were at the beginning of this Parliament but a poor Man; yea, little better than a Beggar (to what he is now) as well as others of his Neighbours.

147. A Petition in behalfe of *Io: Lylburne* and his company.

2. *April*, 1649. A Petition subscribed by divers Persons in behalf of *John Lylburne* and his company, was presented to the Commons, wherein (amongst other things) are contained these three just demands:

1. *That no man be censured, condemned, or molested, but for the breach of some Law first made and published to the People, whereby is avoided that uncertainty and howerly hazard that otherwise every man is subject to, both in respect of his Estate, Liberty, and Life.*

2. *That every crime have not onely its penalty annexed, but together therewith the manner and methode of proceedings ascertained.*

3. *That the execution of Lawes be referred to ordinary Magistrates and Officers by Law deputed thereto, and that the Military power be not used, but where the Civil is so resisted, as that of its one strength it is deficient to enforce obedience.*

148. Itinerant Ministers, an invention to undermine our Orthodox setled Ministers, and infect the people with Schismes and Anarchicall principles, sutable to the many-headed tyranny of the Grandees.

April 12. 1649. It was referred to a Committee *to consider of a way how to raise Pensions and Allowances out of Deanes and Chapter Lands to maintaine supernumerary Itinerant Ministers*, who should be Authorized to go up and downe compassing the earth, and adulterate other Mens Pulpits and Congregations, and put affronts and raise factions and scandals upon such orthodox and conscientious Ministers (in order to their Sequestration) as cannot frame their Doctrine to the damnable practises and Anarchicall principles of the times. These wandering Apostles are to preach Antimonarchicall seditious doctrine to the people, (sutable to that they call *the present Government*) to raise the raskall multitude and schismaticall rabble against all men of best quality in the Kingdome, to draw them into Associations and Combinations with one another in every County, and with the Army against all Lords, Gentry, Ministers, Lawyers, rich and peaceable men, and all that are Lovers of the old Lawes and Government

vernment, for the better rooting of them out, that themselves alone may inhabite the earth, and establish their new tyranny or Kingdome of the Saints, upon the ruines of our antient Monarchy. These men (like *Balaam*) *shall blesse and curse for hire*, and vent State-news, State-doctrine, and poyson the people with such changeable and various principles as from time to time shall be dictated to them by those Pseudo-polititians as now sit at the Helme: they shall cousen the people with pretended Illuminations, Revelations, and Inspirations, and powre out all the Vials of Gods wrath amongst them.

149. *A fraudulent Reconciliation and uniting of Interests attempted, with a Mock-fast for that purpose.*

Cromwell and *Ireton*, and their Faction, having formerly deluded all the Interests and Parties of this Kingdome, were arrived to that highth of impudence as to endeavour to cheat them all over againe, they had by murdering the King, abolishing the House of Lords, putting an execrable force upon the farre major part of the House of Commons, making themselves and their Party a tyrannicall Councell of State to usurp the Supreme power and Government, endeavouring *a toleration of all Religions*, attempting to take away Tythes, mocking and then tyrannizing over that part of the Army they please to miscall *Levellers*, distracted and discontented all Parties within the Kingdom, and stirred up all the Princes of Christendome to defend the common interest of Kings, now controverted in *England*. This cloud threatned to poure downe a new Warre upon them; to provide a remedy therefore for this soare, *Cromwell* moved in the House of Commons, *That the Presbyterian Government might be setled*, promising his endeuours thereto; but whether he meant a Classicall or Congregationall Presbytery (which differs little or nothing from Independency) he did not declare: and here lyeth the fallacy, he likewise moved, *that the secured and secluded Members might againe be invited into the House*: they sent their Agents both Lay-men and Ministers (amongst whom Mr. *Marshall*, *Nye*, *Carrell*, *Goodwin* and *Hugh Peters* were chief) to cajole and decoy the Ministers, Citizens, and the expulsed Members; with discourses and propositions, they told them, The Presbyterians had differed from the King in point of civill Interest, which was more irreconcilable than that interest of Church-Government, whatsoever shew was made to the contrary, (They

See a Paper, called, *Arguments against all Accommodation between the City of* London, *and the engaged Grandees of the Parl: and Army*. And, *A seasonable Caution to the City of London*? printed at the latter end of *Relation & Observations, Hist. & Pol. &c.*

will not endure to heare of the KING's exemplary patience and Christian charity to all; nor of His precepts and strict injunctions to His Sonne of clemency and abstinency from revenge, contained in His last Booke, [*The Pourtraicture of His Majesty.*]. These things will both apologize for our young King, and condemne our bloudy vindicative Saints.) That the Presbyterians as well as the Independents made Warre against the late King, brought Him low, and prepared Him to receive his late deadly Blow from the Independents, and therefore the King would looke upon both Parties as equally guilty, and was deeply engaged in point of interest to cut off both Parties: Endevouring by these discourses to put the Presbyterians into *desspaire* (their own and *Iudas*'s sinne) and then to work upon that base and cowardly principle of *self-preservation*, and invite them to joyne with them in point of civill Interest and common Defence. But their kindnes was but like that of a malitious Man, who having plague-soars upon him, embraceth his Friend rather to infect than cherish him: they know that by sitting, voting, acting, and complying with them, (whose actions the Laws of God and the Land have damned and anathematized with the highest condemnation) they should contract the guilt of all their forepassed crimes and treasons; in the meane time the Presbyterians should sit and act but as a suspected Party, and should be baffled and turned out again when the danger is past; the Independents keeping in their owne hands all the power, profits and preferments of the Land, and using the Presbyterian party but as Gibeonites, Hewers of wood, and Drawers of water under them; they invited them therefore to share with them in their sinnes, shames, and punishments, but would keep *Achans* Wedge and the Babylonish Carment (the profit of their crimes) to themselves: And (as if it were not sufficient to couzen Man without mocking God) the House of Commons Ordered *a strict Fast to be kept upon Thursday*, 19, April, 1649. *as a day of Humiliation to implore Gods forgivenesse for the ingratitude of the people, Who did not sufficiently acknowledge with thankefulnesse Gods great mercies upon this Land in freeing them from Monarchy, and bestowing liberty upon them, by changing Kingly Government into a Free-State or Republique.* The Faction knew that to partake with them in these prayers,

was

was to partake of their sinnes. God deliver us from those deceitfull lips, whose prayers are snares, whose kisses prove curses, and whose devotion leads to damnation: Neuer was Fast injoyned with more severity, nor neglected with more contempt and horror; men shunning it like the sinnes of Rebellion and Witchcraft. Besides, their consciences told them, *that they never suffered the thousandth part of the oppressions they now groane under.*

150. The jugling designe of sending part of the *Army* for *Ireland.*

About this time it was debated to send Supplies for *Ireland*; the predominant Grandees were desirous to purge the Army (as they had done the House) and send the Levellers (Assertors of Liberty) thether: the Levellers were desirous to keep their ground here, and send the more mercinary enslaving and enslaved part of the Army: the better to colour the designe, *Cromwell* undertooke to be Conductor of this expedition, and light them the way into *Ireland* with his illuminated Nose: having taken order before hand that his precious selfe should be recalled time enough to keep up his party in *England* from sinking by his longer absence, and the better to accommodate the businesse, Lots were severall times cast what Regiments should goe; but the Lots not falling out to the minds of the Generall Councell of Officers, they cast Lots againe and againe, untill fortune agreed with their desires: This being discovered, a printed Paper was scattered about the streets, 26. *April*, 1649. as followeth:

ALL Worthy Officers and Souldiers who are yet mindfull that you engaged not as a meer mercinary Army, hyred to serve the Arbitrary ends of a Councell of State; but tooke up Armes in Iudgment and Conscience in behalf of your own, and the peoples just Rights and Liberties; you may see plainly by the proceedings of Col. Hewson *with his Regiment that the designe of your grand Officers is, to reduce the Army to a meer mercinary and servile temper, that shall obey all their commands, without so much as asking a question for Conscience sake. Intending by this blind obedience in you to make you be whatsoever they shall find requisite to establish their owne absolute power over the Common-wealth yea though it be to cut off your best friends, or perpetuate this their owne Parliament and Councell of State, things so evidently destructive to your owne and the peoples just Rights and Liberties as nothing can be more.*

And

And for compassing whereof, you know they have long since dissolved the Agitators, and erected a Councell amongst themselves, by which they have moulded the Parliament and a Councell of State to their owne wills; both which, are to be as a screen between the People and your Grandees, to make the world believe, they doe nothing but by order of Parliament, and Councell of State, When they order all things themselves; and indeed are confederated together to defend and protect each others in their defrauding and enslaving the Common-Wealth.

This they have long aymed at, but cannot possibly effect it, untill they reduce the Army to a servile and base temper, which they have been laboring to bring to passe a long time; as by picking quarrels with most Officers and Souldiers, that have manifested any sence of Common Right, and so vexing them and wearying them out of Troops and Companie. And (you know) they have been more than once disbanding twenty of a Troup, upon pretence of easing the publique charge: all their mischief being ever done, after either fasting and prayer, or upon some very specious pretence; but the care and resolution of the honest Officers and Souldiers ever preuented this.

But now the businesse for Ireland (*it seems*) *must doe the deed; that being a service that must be preferred before the setling of the Liberties and Freedomes of this Nation: and all that are not for this service must be esteemed no better than Enemies and Traytors; and therefore an* Ahab-like *Fast goeth before the Lots are cast: and Col.* Hewson *falls to worke and disbands all those Souldiers and Officers that refused to engage for the service of* Ireland, *before the Liberties of* England (*which We never trod under foot*) *be restored to the people.*

The end of this being to be a leading case to all other Regiments both Horse and Foot; not that they certainly intend for Ireland, *but by such meanes to be rid of all such as are apt to desire to be satisfied in their Consciences of the justice of the Cause before they engage in the killing and slaying of men any more; or before they see some fruits answerable to the bloud that hath been spilt.*

And being rid of this kind of Officers and Souldiers, then to fill the Regiments as this Hewson *doth, With such ignorant, needy, or servile men as these miserable times (through losse of Trade) have begotten.*

And this being done, then to make more strict enquiry after this

sort of people in the Army, and all other places, suppresse Meetings, and if that will not doe, then to disarme all from whom they suspect the least repining or opposition.

And therefore all those Officers and Souldiers, and all people in all places are concerned in a very high nature, even as much as the freedome of the Nation is worth; yea, as they tender the good of their VVives, Children, Families and Posterity, to venture their lives and all they have, to make opposition against this the greatest mischiefe that ever was attempted; the greatest Treason that ever was committed against the liberties of the people: and not to stand any longer in a miz-maze between hope and feare; for if this designe take place, your great Officers and their Confederates in Parliament and Councell of State, will be as so many Kings, Princes and Lords, and your selves, and all the people, their Slaves and Vassals.

Therefore keep every man his place and post, and stirre not, but immediately chuse you a Councell of Agitators once more to judge of these things; without which we shall never see a new Parliament, or ever be quit of these intolerable burdens, oppressions, and cruelties, by which the People are like to be beggered and destroyed.

About this time Master *Robert Lockier* and five or six other Troupers of Captaine *Savages* Troup vvere condemned for a supposed mutiny; in behalf of vvhom Lieut. C. *Iohn Lilburne* vvrit this Letter followving to the Generall, dated 27. *April*, 1649.

151.
M. *Lockier* c
demned by
Councell of
VVarre, v
his honoura
death and b
riall: and
burnes Lette
the General

May it please your Excellency;

WE have not yet forgot your Solemne Engagement of *Iune* 5. 1647. vvhereby the Armies Continuance as an Army vvas in no vvise by the vvill of the State, but by their ovvne mutuall Agreement: And if their standing vvere removed from one Foundation to another, (as is undeniable) then vvith the same they removed from one Authority to another; and the Ligaments and Bonds of the First vvere all Dissolved, and gave place to the Second; and under, and from the head of their first Station, *viz.*: By the VVill of the State, the Army derived their Government by Martiall Lavv; vvhich in Iudgment and Reason could be no longer binding then the Authority (vvhich gave being there to) vvas binding to the Army: For the deniall of the Authority,

is an Abrogation and Nulment of all Acts, Orders, or Ordinances by that Authority as to them: And upon this account, your Excellency with the Army, long proceeded upon the Constitution of a new Councell and Government, contrary to all Martiall Law and Discipline, by whom onely the Army Engaged to be Ordered in their prosecution of the ends, to wit, Their severall Rights, both as Souldiers and Commoners, for which they associated; Declaring, Agreeing, and Promising each other, not to Disband, Divide, or suffer themselves to be Disbanded or Divided, without satisfaction and security in relation to their Grievances and Desires in behalf of themselves and the Common-wealth as should be agreed unto by their Councel of Agitators: And by vertue, and under Colour of this Establishment, all the Extraordinary Actions by your Excellency, your Officers, and the Army have past: Your refusall to Disband, disputing the Orders of Parliament; Impeachment and Ejection of Eleven Members; your First and Second March up to *London*; your late violent Exclusion of the Major part of Members out of the House, and their Imprisonment without Cause, &c. which can no way be justified from the Guilt of the highest Treason, but in the accomplishment of a righteous end, *viz:* The enjoyment of the benefit of our Lawes and Liberties which we hoped long ere this to have enjoyed from your hands; Yet when we consider and herewith compare many of your late carriages both towards the Souldiery and other Free People; and principally your Cruell Exercise of Martiall Law, even to the Sentence and Execution of Death upon such of your Soldiers as stand for the Rights of that Engagement, &c. And not onely so, but against others not of the Army; we cannot but look upon your defection and Apostasie in such dealings, as of most dangerous Consequence to all the Laws and Freedoms of the People.

And therefore, although there had never been any such solemn Engagement by the Army, as that of *June 5.* 1647. which with your Excellency in point of duty ought not to be of the meanest obligation. WE do protest against your Exercise of Martial Law, against any whomsoever, in times of Peace: where all Courts of Iustice are open, as the greatest encroachment upon our Lawes & Liberties that can be acted against us; and particularly, against the

the Tryall of the Souldiers of Captaine *Savages* Troup yesterday, by a Court Martiall, upon the Articles of VVarre, and sentencing of two of them to death; and for no other end (as we understand) but for some dispute about their Pay: And the reason of this our Protestation, is from the *Petition of Right*, made in the third yeare of the late King, which declareth, *That no person ought to be judged by Law Martiall, except in times of VVarre; And that all Commissions given to execute Martiall Law in time of Peace, are contrary to the Lawes and Statutes of the Land.* And it was the Parliaments complaint, That Martiall Law was then commanded to be executed upon Souldiers for Robbery, Mutiny, or Murder. VVhich *Petition* of Right this present Parliament in their late Declarations of the 9. of *February* and the 17. of *March*, 1648. commend as the most excellentest Law in *England*; and there promise to preserve inviolably, it, and all other the Fundamentall Lawes and Liberties, concerning the preservation of the Lives, Properties, and Liberties of the people, with all things incident thereunto. And the Exercise of Martiall Law in *Ireland*, in time of Peace, was one of the chiefest Articles for which the E. of *Strafford* lost his Head: The same by this present Parl. being judged High Treason. And the Parliament it self, neither by Act nor Ordinance, can justly or warrantably destroy the Fundamentall Liberties and Principles of the Common Law of *England*: It being a Maxim in Law and Reason both, that all such Acts and Ordinances, are *ipso facto*, null, and void in Law, and binds not all, but ought to be resisted & stood against to the death. And if the Supreme Authority may not presume to doe this, much lesse may You, or Your Officers presume thereupon; For where Remedy may be had by an ordinary course in Law, the Party grieved shall never have his recourse to extraordinaries. VVhence it is evident, That it is the undoubted Right of every Englishman (Souldier, or other) that he should be punishable onely in the ordinary Courts of Iustice, according to the Laws and Statutes of the Realme in the times of Peace, as now it is; and the extraordinary way by Courts Martiall, in no wise to be used.

Yea the Parliaments Oracle, Sir *Edward Cooke*, Declares in the third part of his *Institutes*, Chap. of *Murder*, *That for a Generall or other Officers of an Army, in time of Peace to put any man, al-*

though a Souldier, to death, by colour of Martiall Law, it is absolute murder in that Generall, &c. Therefore erecting of Martiall Lavv novv, vvhen all Courts of justice are open & stopping the free current of Lavv, vvhich sufficiently provides for the punishment of Soldiers as vvel as others, as appears by 18 *H.* 6. *c.* 19. 2 & 3 *E.* 6. *c.* 2. 4 & 5 *P.* & *M. c.* 3. & 5 *El.* 5. & 5 *Iam.* 25. is an absolute destroying of our Fundamentall Liberties, and the razing of the Foundation of the Common Lavv of *England*; the vvhich out of Duty and Conscience to the Rights and Freedoms of this Nation (vvhich vve value above our lives) and to leave You and Your Councell vvithout all excuse, vve vvere moved to represent unto Your Excellency, Earnestly pressing You, vvell to consider vvhat You doe, before you proceed to the taking avvay the Lives of those men by Martiall Lavv; least the bloud of the Innocent (and so palpable Subversion of the Lavves and Liberties of *England*) bring the revvard of just vengeance after it upon You, as it did upon the Earle of *Strafford*: For Innocent bloud God vvill not pardon; and vvhat the people may doe (in case of such violent Subversion of their Rights) vve shall leave to Your Excellency to judge, and remaine

Sir,

From our Cansleſſe, and unjuſt, and Tyrannicall Captivity, in the *Tovver* of *London*, *April* 27. 1649.

Your Excellencies humble Servants, IOHN LILBURNE. *RICH: OVERTON.*

Notvvithstanding vvhich Letter, and much other meanes made, the said *Lockier* vvas Shot to Death in Saint *Paul's* Church-yard the same day, to strike a terror and slaviſh feare into such other Souldiers as shall dare to take notice of their approaching slavery; but his Christian and gallant deportment at his death, vvith the honourable funerall pomp accompanying him to his Grave turned all the terror of his Tragedy into hatred and contempt of the Authors thereof.

152. Arreares given to Col. *A. Popham*, & *H. Martin*, & temptations put upon *Lilburne* and

About this time the House of Commons gave to Col. *Alexander Popham* all his Arreares, and to *Harry Martyn* 3000l. to put him on upon the holy Sisters, and take him off from the Levellers: And *Cromwell* is novv playing the Devils part, shevving the Kingdomes

Kingdomes of the earth, and tempting *John Lilburne* to fall dovvne and vvorship him, to forsake his good principles and engagements, and betray the liberties of the people, but L. Col. *Lilburne* is higher seated in the good opinion of the people than to be suspected of so much baseneſſe, vvho are confident he vvill as constantly resist false promises and vaine hopes, as he hath vaine threats and terrors of Indictments, and not cast avvay the hold he hath of immortality by hearking to such a Syren vvhose promises are but baits, vvith a hooke hidden under them; and his preferments but like *Mahomets* paradise: he that hath cousened all the Interests of the Kingdome vvill not scruple to cheat his Enemy, a free-spirited plaine meaning man. This is to undermine and blovv up his credit vvith his party, and make him liable to a revenge hereafter: He that stoops to the lure of a knovvn Enemy is guilty of inexcusable folly, and a Betrayer of himselfe, especially having had so faire a Copie of Constancy set him by Coronet *Ioyce* vvho hath vvith much faithfulneſſe resisted the like allurements, and so foule a Copie of Inconstancy by *Reynolds*.

153. The designe of making Members of Parliament liable to Arrests.

The Commons have ordered, *That upon Complaint made to any Iudge of the three Benches, the Iudges shall send a Letter of Summons to such Member of their House as shall be complained of, to give an appearance, and submit to legall proceedings; otherwise his person to be liable to Arrests.* But our present Iudges are Creatures to the House of Commons, and knovv beforehand vvhat Members are *Babes of Grace* in favour, and must be priviledged; and vvho are out of favour, and must not be priviledged; they have *an Index* tells them vvhen *to grant* and vvhen *to deny*, *Sinners* must not be partakers of the same Lavves *with Saints*: This is a VVhip and a Bell to drive such dogged Members out of the Hall as vvill not hunt in pack vvith the Grandees in pursuit of their designe, and are quick-sented enough to smell out their knavery, if they come too neer their dore: It is thought the tyrannicall Hocas Pocasses had an ayme hereby to lash *Harry Martyn* off from the Levellers, and make him come in to them.

154. VVomen Petition the House for L. Col. *Lilburne* and his Company.

About this time some thousands of vvelaffected VVomen of *London*, *VVestminster*, *Southwarke*, and the *Hamlets*, stormed the House of Commons vvith tvvo Petitions in behalf of *Io: Lilburne* and his Company: They complaine of *the Councell of States violent*

lent and illegall proceedings against them, in seizing them in the night by Souldiers; of Lockiers *being shot to death by Martiall Law; of their Arbitrary Government, Taxes, Excise, Monopolies, &c. That there was a Designe to fetch* Lilburne *and his Fellowe Prisoners out of the Tower at midnight to* VVhite-hall *and there murder them; That the House by Declaring the Abettors of the Booke laid to those Prisoners charge Traytors, have layd a snare for people; when as hardly any discourse can be touching the affaires of the present times but falls within the compasse of that Booke; so that all liberty of discourse is there by utterly taken away, then which there can be no greater slavery.*

Second part of *Englands* New Chaines discovered.

They received not so good Answers to these Petitions as they were wont to receive, when they had Money, Plate, Rings, Bodkins, and Thymbles to sacrifice to these Legislative Idols, they were bid *Goe home and wash their Dishes*; to which some replied, *They had neither Dishes nor Meat left.*

155. Observations upon the Commons Answer to those that petitioned for *Lilburne, &c.*

Note that the Commons have returned answer to some Petitioners, *that Lilburne shall be Legally Tried by Laws preceding the fact*, and yet by their Order, 11. *April*, 1649. it is Ordered, *That the Attourney Generall be required to take speedy course for prosecution of Lieu. Col.* Io: Lilburne, &c. *in the Upper Bench this Terme, upon the Declaration of this House touching the Booke, entituled,* [*The second part of* Englands *new Chaines discovered.*] if this Order be not a Lavv and preceding the fact too, then our supreme Saints have told a Legislative Lie. In the latter end of the said Answer they are angry the Petitioners should discover so much of their baseness, That *Cromwell* & *Ireton* rides them, and therefore (contrary to all mens knowledge, and their owne Consciences) they terme those Intimations, seditious Suggestions; and Ordered, that *Cromwell* and *Ireton* should draw up a Declaration to prevent the people from being mis-led by Sowers of sedition; such are the degenerous Spirits of under-Tyrants, who are Asses to their Superiors, and Lyons to their Inferiors: *Cromwell* and *Ireton*, that have subverted all civill Authority, *Murdered the* KING, possessed themselves of what they please, and enslaved the Kingdome with a Military tyranny, must draw up a Declaration according to their fancy, for their owne Indication, and the Commons must Father the Bastard and set the stamp of their

Humiliter servivunt, aut superbe dominantur.

their Authority and priviledge upon it, lest any man should confute it, and beat back the Authors lies into their throats. But this is no new invention, for formerly when the Councell of Officers set forth their Answer to the House of Commons Demands concerning their secured Members; *Cromwell* and *Ireton* caused their Journey-men of that Conventicle to Vote, *That the House did approve the matter of the said Answer*; thereby owning all the grosse lies therein contained to deterre the imprisoned Members from replying to it, and so by a tacite confession to acknowledge themselves guilty.

Ireton penned this scandalous Answer of the said Officers.

About this time appeared out of the East a New Light in our Horizon, the *Alchoran* of *Mahomet* (Predecessor to *Cromwell*) and of *Sergius* (forerunner of *Hugh Peters*) naturalized and turned English. Now the Jews (Professed Enemies to Christ (which *Mahomet* is not) are accepted off) it is believed that their *Thalmude* and *Caball* will shortly be made English too, that this Island may be rendered a compleat Pantheon, a Temple and Oracle for all Gods and all Religions; our light-headed innovating People being like Reeds as apt to be shaken by, and bend unto every wind, every breath of pretended Inspiration, as the antient Arabians were.

156. The Turkish *Alchoran* taught to speak English.

May 1. 1649. The frighted Conventicle of Commons considered of an Act (forsooth) to fortifie themselves and their usurpations with a Scar-crow of new-declared Treasons, to the purpose following:

157. New-declared Treasons to defend tyranny and usurpation, and ensnare the People.

1. *If any man shall malitiously* (this is a word of qualification, a back-dore to let out such as they shall thinke fit) *Affirme the present Government to be tyrannicall, usurped, or unlawfull, or that the Commons in Parliament, are not the supreme Authority of the Nation, or endeavour to alter the present Government.*

2. *If any affirme the Councell of State or Parliament to be Tyrannicall or unlawfull, or endeavour to subvert them, or stirre up sedition against them.*

For Souldiers of the Army to contrive the death of the Generall, or Lieutenant Generall, or endeavour to raise mutinies in the Army, or to leavy War against the Parliament to joyne with any to invade England *or* Ireland, *counterfeit the Great Seale, kill any Member of Parliament, or Judge, or Minister of Iustice in their duty*: All these

Quære, whether *Cromwell* be Lieutenant Generall, or no?

these severall cases to be Declared, *Treason.* You see the terrors of *Caine* pursue these guilty Covvards.

This Fools Bolt is chiefly aymed at the honest *Levellers*; this *Iunto* of Commons have made themselves *legall Traytors* already, and vvould novv make all the Kingdome *legislative Traytors*; but I hope none of those that arrogate the Reverend Title of *Iudges of the Law* (although against Lavv) vvill be so lavvlesse as to give Sentence of Death upon any such illegall Act of the House of Commons; nay, this very Act denounceth slavery and bondage to the Nation, and therefore is an Act of the highest tyranny, and a snare.

158. The Levellers Randezvous in *Oxford-shire.*

May 6. 1649. The honest Levellers of the Army, (for that is the Nick-name vvhich *Cromwell* falsly and unchristianly hath christned them vvithall) Enemies to Arbitrary Government, tyranny and oppression, vvhether they find it in the Government of one or many? vvhether in a Councel of Officers, a Councel of State, or a fag end of a House of Commons? vvhether it vayle it selfe vvith the Title of a Supreme Authority, or a Legislative povver?) drevv together to a Randezvouz about *Banbury* in *Oxfordshire*, to the number of 4000 or 5000. others resorting to them dayly from other parts. This gave an Alarme to our Grandees, fearing the dovvnfall of their domination. *Cromwell* (not knovving vvhat Party to dravv out against them, that vvould be stedfast to him) shunned the danger, and put his property the Generall upon it to oppose the Randezvouz, and (looking as vvan as the guilles of a sick Turkey-cock) marched forth himselfe VVestvvard to intercept such as drevv to the Randezvouz. In the meane time the said Levellers printed and publish'd this ensuing Paper, entituled,

Englands *Standard advanced: or, A Declaration from Mr.* VVill: Thompson, *and the oppressed People of this Nation, now under his conduct in* Oxford-shire:

Dated at their Randezvouz, *May* 6. 1649.

WHereas it is notorious to the whole world, that neither the Faith of the Parliament, nor yet the Faith of the Army (formerly made to the People of this Nation,

in

in behalf of their Common Right, Freedome, and Safety) hath been at all observed, or made good, but both absolutely declined and broken, and the People onely served with bare words and faire promising Papers, and left utterly destitute of all helpe or delivery: And that this hath principally been by the prevalency and treachery of some eminent Persons (now domineering over the People) is most evident. The Solemne Engagement of the Army at New-market, *and* Triploe-heaths *by them destroyed, the Councell of Agitators dissolved, the blood of War shed in time of Peace, Petitioners for Common Freedome suppressed by force of Arms, and Petitioners abused and terrified, the lawfull Triall by* 12 *sworn Men of the Neighbourhood subverted and denied, bloody and tyrannicall Courts (called an high Court of Justice, and a Councell of State) erected, the power of the Sword advanced and set in the Seat of the Magistrates, the Civill Lawes stopt and subverted, and the Military introduced, even to the hostile seizure, imprisonment, tryall, sentence, and execution of death, upon divers of the Free People of this Nation, leaving no visible Authority, devolving all into a factious Junto and Councell of State, usurping and assuming the name, stamp, and Authority of Parliament, to oppresse, torment and vex the People, whereby all the lives, liberties, and estates, are all subdued to the Wills of those Men, no Law, no Justice, no Right or Freedome, no case of Grievances, no removall of unjust barbarous Taxes, no regard to the cries and groanes of the poore to be had while utter beggery and famine (like a mighty torrent) hath broke in upon us, and already seized upon severall parts of the Nation.*

Wherefore through an inavoidable necessity, no other meanes left under Heaven, we are enforced to betake our selves to the Law of Nature, to defend and preserve our

selves and Native Rights, and therefore are resolved as one Man (even to the hazard and expence of our lives and fortunes) to indeavour the redemption of the Magistracy of England, *from under the force of the Sword, to vindicate the* Petition of Right, *to set the unjustly imprisoned free, to relieve the poore, and settle this Common-wealth upon the grounds of Common Right, Freedome, and Safety.*

Be it therefore known to all the free People of England, *and to the whole world, that (chusing rather to die for Freedome, than live as Slaves) We are gathered and associated together upon the bare accompt of* English-men, *with our Swords in our hands to redeem our selves and the Land of our Nativity, from slavery and oppression, to avenge the blood of War shed in the time of Peace, to have justice for the blood of M.* Arnold *Schot to death at* Ware, *and for the blood of M.* Robert Lockyer, *and divers others who of late by Martiall Law were murthered at* London.

And upon this our Engagement in behalf of the Common-wealth, We doe solemnly agree and protest, That we will faithfully (laying all self-respects aside) endeavour the actuall reliefe & setlement of this distressed Nation.

And that all the world may know particularly what wee intend, and wherein particularly to center and acquiesce for ever, not to recede or exceed the least punctilio, We do declare from the integrity of our hearts, that by the help & might of God we will endeavour the absolute setlement of this distracted Nation, upon that forme and Method by way of an Agreement of the People, *tendered as a Peace-offering by Lieut. Colonel* John Lilburne, *Mr.* Will: Walwyn, *Mr.* Thomas Prince, *& Mr.* Rich: Overton, *bearing date* May 1. 1649. *the which we have annexed to this* our Declaration *as the Standard of our*

Engage-

Engagement, thereby owning every part and particular of the Premises of the Agreement, *promising and resolving to the utmost hazard of our Lives and Abilities, to pursue the speedy and full Accomplishment thereof, and to our power, to protect and defend all such as shall Assent or Adhere thereunto: And particularly, for the Preservation & Deliverance of L. Col.* John Lilburne, *M.* Will: Walwyn, *Mr.* Thomas Prince, *Mr.* Richard Overton, *Captaine* Bray, *and Mr.* William Sawyer, *from their barbarous and illegall Imprisonments: And wee Declare,* That if a haire of their heads perish in the hands of those Tyrants that restraine them, That if God shall enable us, we will avenge it seventy times seven fold upon the heads of the Tyrants themselves and their Creatures.

And that till such time as by Gods Assistance we have procured to this Nation the Declared purpose of this our Engagement, we will not Divide nor Disband, nor suffer our selves to be Divided or Disbanded, resolving with soberness and civility to behave our selves to the Country, to wrong nor abuse any man, to protect all to our power from violence and oppression in all places where we come; resolving to stop the payment of all Taxes or Sessements whatsoever, as of Excise, Tythes, and the Tax of Ninety thousand pounds per mensem.

And having once obtained a New Representative, *according to the said* Agreement, *upon such Terms and Limitations therein expressed; We shall then freely lay down our Armes, and returne to our severall Habitations and Callings.*

And concernings the equity, necessity, & justice *of our undertaking, We appeale to the judgement of the oppressed, betwixt their Destroyers and Vs; Whether by the law of God, of Nature, and Nations, it be not equally justifiable in*

us to engage for the Safety and Deliverance of this Nation, *as it was with the* Netherlanders, *and other People for theirs, and that upon the same Principles that the Army engaged at* New-market *and* Triploe-heaths; *both Parliament and Army declaring*, That it is no resistance of Magistracy to side with just Principles, & Law of Nature and Nations: And that the Souldiery may Lawfully hold the hands of that Generall, who will turn his Cannon against his Army, on purpose to destroy them: The Sea-men the hands of that Pilot, who wilfully runs his Ship upon a Rock. *And therefore, (the condition of this Commom-wealth considered) we cannot see how it can be otherwise esteemed in us. And upon that account we Declare*, that we doe owne, and are resolved to owne all such Persons, either of the Army or Countries, that have already, or shall hereafter, rise up and stand for the Liberties of *England*, according to the said Agreement of the People: *And in particular*, We doe owne & avow the late proceedings in Colonel *Scroops*, Col. *Harrisons*, and Major General *Skippons* Regiments, declared in their Resolutions published in print; As *One Man*, Resolving to live and die with them, in their & our just and mutuall defence.

And we doe implore and invite all such as have any sense of the Bonds and Miseries upon the People; any Bowels of Compassion in them, any Piety, Justice, Honour, or Courage in their Brests, any Affections to the Freedomes of England, *any love to his Neighbour or Native Country*, to rise up, *and* come in *to help a distressed miserable Nation, to breake the* Bands of Cruelty, Tyranny, *and* Oppression, *and set the People* Free.

In which Service, Trusting to the undoubted goodness of a just and righteous Cause, We shall faithfully discharge

the

the utmost of our Endeavours; Not sparing the venture of all hardships and hazards whatsoever, and leave the Successe to God.

Signed by me WILLIAM THOMPSON, at our Randezvouz in *Oxford-shire* neer *Banbury*, in behalf of my Self, and the Rest Engaged with me, *May* 6. 1649.

For a New Parliament, By the Agreement of the People.

159. Doct *Doriſlaus* ſtabbed to death in *Holland.*

About this time Doctor *Doriſlaus* a Civill Lawyer, ſometimes Judge Advocate to the Earle of *Eſſex*, and Lord *Fairfax*, and lately one of the Councell in the High Court of Juſtice againſt the KING, and the 4. Lords, was ſent from the Parliament, Agent into *Holland*; where about 18. *Scots-men*, repayring to his Lodging, 6. of them went up the ſtayres to his Chamber, whilſt 12. of them made good the ſtayre-foot; they ſtabb'd him to death, and eſcaped.

160. *Haſterigg's* barbarous motion to murder ix Royaliſts of the beſt quality in revenge of *Doriſlaus.*

About the 14. day of *May*, 1649. Report was made from the Councell of State to the Houſe of the examination of 3. Servāts of Doctor *Doriſlaus*, concerning the Death of their Maſter; & what allowances were fit to be given to his Children out of the Kings Revenue, thereby to lay an aſpertion upon the King (as if He having had an influence upon that Fact, His Eſtate muſt make the recompence, notwithſtanding Scotiſh men did the deed in revenge of *Hamiltons* death.) *Doriſlaus* had been a poor School-maſter in the *Low Countries* formerly, from whence he was tranſlated to read the *Hiſtori Lecture* at *Oxford*, where he decried *Monarchy* in his firſt *Lecture*; was complained of, and forgiven by the benignity of the *King*. Then he became Judge Advocate in the Kings Army in his expedition againſt the *Scots*: afterwards he had the like imployment, under the Earle of *Eſſex*; and laſtly, under Sir *Tho: Fairfax*, a great Gainer by his employments, but withall, a great Antimonarchiſt, & a Saint in *Cromwells* Rubrick, & therefore had a magnetique virtue both living and dead to draw money to him in abundance. Upon occaſion of this Debate, *Haſterigge* moved, *That 6 Gentlemen of the beſt*

quality [*Royalists*] *might be put to Death as a revenge for* Dorislaus, *and to deterre men from the like attempts hereafter.* (That you may the better see of what Spirit *Hasterigge* is knowne, That some Northerne Counties having petitioned the Commons for reliefe, against the miserable famine raging there: *Hasterigge* opposed their request, saying, *That want of food would best defend those Counties from Scotish Invasions.*) What man that had any sense of Christianity, Courage, Honesty, or Justice, would have been the Authour of so barbarous and unjust a motion, That 6. Gentlemen no way conscious nor privie to the fact should be offered up a sacrifice to revenge & malice; nay, to guilty feares and base cowardize; to keep off the like attempts from *Hasterigge* and his Party. I wish this Gentleman would read the *Alchoran* (or new Independent Bible of the new Translation) and from thence gather precepts of more Humanity, Justice, Honesty and Courage, since he hath Read the Old & New Testament of *Moses* and *Christ* to so little purpose. Yet the House, 18. *May*, passed a Declaration, *That if more Acts of the like nature happened hereafter, it should be retaliated upon such Gentlemen of the Kings Party as had not yet Compounded.* But this is but a devise to fright them to Compound, unlesse it be a forerunner to a Massacre heretofore taken into consideration at a Councell of Warre: See §.

161. An Act declaring more new Treasons.

About this time came forth that prodigious Act, declaring 4. *new Treasons* with many cõplicated Treasons in their bellies, the like never heard of before in our Law, nor in any Kingdome or Republike of Christendõ: Because I have formerly spokẽ of it, the Act it self printed, publisht & dreadfully notorious throughout the whole Kingdõ; I wil refer you to the printed Copie; only one clause formerly debated was omitted in the Act, *viz. That to kill the Generall, Lieu. Gen: any Members of this presẽt Parl: or Councel of State to be declared, Treason;* this would have discovered their guilty cowardize so much they were ashamed of it: besides it was thought fit to make the People take a new Oath of Allegiance to the new State. First, I wil only give you some few Observations thereupon. This Act declares to be Treason unto death and confiscation of Lands all Deeds, Plots, & Words: (1.) Against this presẽt fagge end of a Parliament, & against their

their never-before heard-of Supreme Authority and Government: for, when was this Kingdome ever governed by a Parliament, or by any power constituted by them? (2.) All endeavours to subvert *the Keepers of the Liberties of England* and *Councell of State* constituted, and to be from time to time constituted by Authority of Parliament, who are to be under the said Representatives in Parliament, (if they please, & not otherwise; for the *Sword* and the *Purse* is trusted in the power of the Councell of State) yet *the Keepers of the Liberties of England*, and *the Councell of State of England to be hereafter constituted by Parliament*, are *Individua vaga*, ayrie notions not yet named nor known; & when they are known we owe them no Allegiance, (without which no Treason) by the knowne Lawes of the Land. which is onely due to the King, His lawfull Heires & Successours, & thereto we are sworne; nor are the particular Powers & Authorities, granted by this Parliament to the said Keepers of the Liberties of *England*, & Councell of State yet any where authentically published & made knowne to us by any avowed Act, (unlesse we shall account their Licenced New books to be such) and therefore they may usurp what powers they please: So that these men who involved us in a miserable Warre against the late Murdered KING, pretending He would enstave us, & they would set us free; have brought us so farre below the condition of the basest Slaves, that they abuse us like brute Beasts, and having deprived us of our Religion, Lawes and Liberties; and drawne from us our money and bloud, they now deny us the use of reason and common sense, belonging to us as Men, & Governe us by arbitrary, irrationall Votes, with which they baite Traps to catch us; woe be to that People whose Rulers set snares to catch them, and are *amari venatores contra dominum*, Men-hunters against God; nay, *to move any Person to stirre up the People against their Authority is hereby declared, Treason;* marke the ambiguity of these words (like the Devils Oracles) which he that hath Power and the Sword in his hands will interpret as he please: If the Keepers of the Liberties of *England*, or Councell of State shal extend too farre, or abuse their Authority never so much contrary to the Lawes of the Land, Reason, Justice, or the Lawes of God) as hath been lately done in the Case of *Lilburne*, *Walwyn*,

Walwyn, &c.) no Lawyer, no Friend shall dare to performe that Christian duty of giving councell or help to the oppressed, here Fathers and Children, Husbands & Wives. Brothers & all relations must forsake, nay betray one another, lest these Tyrants interpret these duties to be, A moving of them *to stirre up the People against their Authority.* 3. *All endeavours to withdraw any Souldier or Officer from their obedience to their superior Officer, or from the present Government*, as aforesaid; By which words it is Treason: First, *if any mans Child*, or Servant, be inticed into this Army, & the Father or Master endeavour to withdraw him from so plundering and roguing a kind of life back to his profession. Secondly, *if any Commander or Officer* shall command his Souldiers to violate, wrong, or rob any man for the party so aymed at, or some wel-meaning Friend to set before the said Souldiers the sinne and shame of such actions, and disswade them from obeying such unlawfull commands. 4. If any man shall presume to counterfeit their conterfeit Great Seale, it is declared Treason. I wonder it is not Treason to counterfeit their counterfeit Coyne! Behold here new minted Treasons current in no time nor place but this afflicted Age and Nation: *Edw. 3. anno 25. regni, ch. 2.* passed an excellent Act to secure the People by reducing Treasons to a certainty; as our new Legislative Tyrants labour to ensnare the People by making Treasons uncertaine and arbitrary; what they please to call Treason shall be Treason, though our knowne Lawes call it otherwise: we have long held our Estates & Liberties, & must now hold our Lives at the will of those Grand Seigniours, one Vote of 40. or 50. factious Commons, Servants & Members of the Army vacates all our Lawes, Liberties, Properties, and destroies our Lives. Behold here a short view of that Act which hath no Additions by any Act subsequent. See *stat. 1. Mariæ, c. 10.* Whereas diverse opinions have been before this time, in what cases Treason shall be said, and in what not; The King at the request of the Lords and Commons; Declares:

Sic volo, sic jubeo, it shall be Treason, because they will call and Vote it so.

See 1 H. 4. c. 10. 1 H. 7. c. 1.

1. *That to compasse or imagine the Death of the* KING, (how much more to act it) *Queen, or their eldest Son and Heyre.*

2. *To violate the* KING's *Companion, eldest Daughter unmarried, or the Wife of the* KING's *eldest Son and Heyre.*

3. *To*

3. *To leavie Warre against the* KING, *or adhere to His Enemies in his Realm, and thereof be provably attainted of open deed by people of their condition.*

4. *To counterfeit the* KING's *Great or Prive Seale;*

5. *Or His Money.*

6. *To slay the* KING's *Chancellour, Treasurer, Iustices of one Bench or other, Iustices in Oyre, Iustices in Assize, and all other Iustices assigned to heare and determine, being in their Places doing their Offices.*

If any other case supposed Treason which is not above specified, doth happen before any Iustices, the Iustices shall tarry without any going to Iudgment of the Treason, till the Cause be shewed and declared before the KING *and His Parliament* (not before the House of Commons onely, or before both Houses without the KING) *whether it ought to be adjuged Treason.*

So the 4 Lords ought to have been Tried, not by a new shambles of justice.

You see how few in number these Treasons specified are, and that they must be attainted of open deed by their Peeres; our *Words were free under Monarchy, though not free under our Free-State;* so were they under the Romans. *Tacitus. An. 1. sub finem,* speaking of Treasons, *facta arguebantur, dicta impune erant.* These horrible tyrannies considered, (and being destitute of all other lesse desperate reliefe) I doe here solemnly declare and protest before that God that hath made me a Man and not a Beast, a Free-man and not a Slave, that if any man whatsoever that taketh upon him the Reverend name and Title of *a Iudge or Iustice* shall give Sentence of Death upon any Friend of mine upon this or any other illegall Act of this piece of a House of Commons, I will and lawfully may (the enslaving scar-crow doctrine of all time serving, State-flattering Priests and Ministers, notwithstanding) follow the exemples of *Sampson, Iudith, Iael,* and *Ehud,* and by *Ponyard, Pistoll, Poyson, or any other meanes whatsoever, secret or open, prosecute to the Death the said Iudge and Iustice, and all their principall Abettors*: and I doe hereby invite and exhort all generous free-borne English-men to the like resolutions, and to enter into Leagues defensive and offensive, and sacramentall associations (seven or eight in a company, or as many as can well confide in one another) to defend and revenge mutually one anothers Persons, Lives, Limbs, and Liberties as aforesaid, a-

gainst this, and all other illegall and tyrannous Usurpations.

162. A motion to enlarge Sr *Will: Waller*, &c. And the Generals Answer, intimating the securing of the Members to be done by confederacy with the Army-party in the House.

About this time or a little before, the Generall was moved to enlarge Sir *William Waller*, and the other Members illegally kept Prisoners in *Windsor*: He answered, *they were no longer his, but the Parliaments Prisoners*: It should seem the Brute hath made a private deed of gift of them to his Journy-men of the House. The Generalls Warrant seized and Imprisoned them, and notwithstandinge the Councell of Officers declared in print, *that they were preparing a Charge against them*, yet the Knaves lied like Saints; they were then so farre from having matter to accuse them of, that they have ever since, hunted after a Charge against them, and endevoured to suborne Witnesses; but after 24 Weeks restraint (whereas by the Law *no Man ought to be comitted without an accusation*) they have found nothing against them. This turning over of these Prisoners to their House of Commons proves what I formerly asserted, §. 24. *That the violence of the Army in securing and secluding the Members, was by consent of their* Somerset house *Iunto now sitting in the House of Commons.*

163. The Generall sends forth Warrants to all Iustices of the Peace to attach those Levellers that he had routed.

The honest Leveliers (most of them Country-men) endeavouring to draw to a Randezvouz, about 600. or 700. of them marched from *Banbury* to *Burford* in *Oxford-shire*, where lying securely (because they were upon Treaty with the Enemy) their Quarters were beaten up, and about 180 of them taken Prisoners, which their Enemies (according to their usuall custome) to gaine reputation by lying, reported to be so many Hundreds. And the Generall (as if they had been all routed) sent forth his Warrants to all Justices of the Peace in the adjacent Counties, requiring them *to apprehend and secure all such of them as shall be found*; I desire to know by what Authority the Generall takes upon him to command Justices of the Peace who are not under his Power, and what tame Animals these Justices are that will submit to his commands? and whether he thinks the Civil Magistrate to be obnoxious to the Power of the Sword & the Councell of Officers? and his single selfe the Supreme Magistrate or Tyrant Paramount, notwithstanding the Vote of his Journeymen Commons, *That no single Man should be trusted with the Supreme Power.*

See the Vote and Act for abolishing the Kingly office.

164. The Levellers having possessed themselves of *Northampton*: the

the Generall (it is said) thought fit to take hold of the Hornes of the Altar, and wrote to his Vassals of the City to send their Trained Bands to his relieſe that he might the better domineer over them, and continue their ſlavery hereafter. But if the Citizens have no more wit, I wiſh their Hornes may be as viſible in their foreheads, as the Noſe in *Olivers* face.

The Generall sends to the City for additionall Forces.

165. To cozen the honeſt Levellers, the Commons (in order to the ending this preſent Parliament) are debating how to pack a ſucceeding Repreſentative as wicked as themſelves and of the ſame leaven; whoſe Election ſhall not be free, but bounded with ſuch Orders of limitation and reſtriction as ſhall ſhut out all men from electing or being elected, as are not preciſely of the ſame principles and practiſes, and as deep engaged in their tyrannicall, trayterous, cheating, bloody deſignes as themſelves, guilty Committee-men, and Accountants to the State ſhall be the next Repreſentative; and for the better lengthening of the buſineſſe (that they may ſee what ſucceſſe) in the meane time (the Levellers will have) they wire-draw it through a Committee, and referre it to be debated by a Committee of the whole Houſe. And at laſt (if they muſt diſſolve) having packed themſelves into a Councell of State, they will uſurp the Supreme Authority there: to prepare the way to which deſigne, they have paſſed another Act, *May* 19. *That the People ſhall be Governed as a Free-ſtate by Repreſentatives, and by ſuch as they ſhall conſtitute*; and then conſider what kind of Repreſentatives we are likely to have.

165. The Commons colourably debate to diſſolve this Parl: and ſettle a ſucceeding Repreſentative.

166. Great care is taken that the State (or rather our States-mens private pockets) might not be prejudiced by Iudgements, Extents, &c. lying upon Delinquents Eſtates: you ſee notwithſtanding their declaratory Vote, *That in things concerning the Lives, Liberties, and Properties of the People, they would maintaine the known Lawes of the Land*; yet this Vote (as well as all others) hath *a condition implied*, that it doe no waies hinder the Gaines of our godly Grandees, otherwiſe they would not conſider how to defeat Creditors of their legall aſſurances.

166. A Debate how to defeat Iudgments, Extents, &c. upon Delinquents Lands. ſect.

167. *John Lilburne* being ordered a cloſe Priſoner in the Tower by the Commons without Pen, Inke, or Paper, (which was tyranny under King *Charles*, but not under K. *Oliver*) a Petition was preſented to the Commons by many wel-affected, that *John* might

167. *John Lilburne* ſtarving impriſonment in the Tower.

The allowance is 4l. a Weeke as I conceive.

have the allowance usually and legally due to Prisoners in the like case for his support; which was rejected, insomuch that *John* was kept 3 whole daies with one halfe meales meat: this is to condemne men unheard to be murdered by famine in their *private slaughter-houses*, when they cannot, or dare not murder them in their *pretended Courts of Iudicature, or publique shambles*: yet afterwards when the drawing together of the Levellers, and discontents of *New-castle* affrighted the Commons, they voted him the short allowance of 20s. a Week. Thus you see nothing but *feares and dangers* can kindle the least spark of *goodnesse and compassion* in their woolvish breasts: wherefore Lord (I beseech thee) heap *feares and terrors* upon their guilty pates till with *Iudas Iscariot* they crie out, *We have sinned in that we have betrayed innocent bloud.*

168. Why *Ireton* layd down his Commission.

Cromwell being to march against the Levellers, left *Ireton* behind him (like a hobby daring of larks) to over-awe the Conventicle at *Westminster*, and see they chaunt no tune but of their setting, the better to keep himself in a neutrall reconciling posture: *Ireton* layd downe his Commission, (which he can take up againe at pleasure) whereby he puts off all addresses to him from the levelling party for the present. This poore Fellow now keepeth his golden Coach which cost 200l. and 4. gallant Horses. The world is well altered with such petty Companions; and hereby the Souldiers may see what becomes of their Arreares. There hath been a seeming falling out between *Cromwell* and *Ireton*.

169. *Hugh Peters* visits *I. Lilburne* in the Tower, and the sum of their Conference.

John Lilburne being a close Prisoner in the *Tower* (as hath been said) *Hugh Peters* (Chaplaine in Ordinary to two great Potentates, *Lucifer* and *Oliver*) came about dinner time (*May* 25. 1649.) to visit him, and though admittance be denied to other men, yet to him the Gates flew open; as sure as Saint *Peter* keeps the keyes of Heaven, *Hugh Peters* keeps the keyes of our Hell and out Grandees Consciences, and openeth and shutteth at pleasure; he is Confessor to *Tyburne*, and hath a great power over damned Spirits, or rather over such Spirits as not submitting basely to the tyranny of our State-Mountebanks, incurre their condemnation in this world, (by Gods permission) in order to their salvation in the next world: the tyranny of these Usurpers implying at once, their cruelties over our bodies, and

Witnesse his tampering with *Hamilton*, &c.

Gods

Gods mercy to our soules. *Hughs* first salute was, *That he came meerly to give* John *a visite, without any designe*, (his guilty Conscience prompting him to a voluntary Apology) *John* answered, *I know you well enough, you are one of the setting Dogs of the great Men of the Army, with faire and plausible pretences to insinuate into Men, when they have done them wrong, and to worke out their designes when they are in a strait; and cover over the blots that they have made.* Then *John* complained of the † *illegall and violent seizing upon him by Souldiers, and carrying him before that new erected thing, called,* [A Councell of State] *who committed him without any Accusor, accusation, Prosecutor, or Witnesse, or any due processe of Law:* and *yet when the King impeached the 5 Members and preferred a Charge of High Treason against them*; Recorded 1. part Booke of Decl. p. 35. *and onely failed in a single punctilio of due processe of Law*, they cryed out, *it was an invasion of the Peoples Liberties; so that foure or five Recantations from Him.* (Recorded in their owne Declarations) *would not serve His turne. Peters* halfe out of countenance (if so prostituted a Villaine that practises impudence amongst common Whores, and whose Pulpit is more shamefull than another mans Pillory, can be out of countenance) takes up one of *Coke's* Institutions, and professed *Lilburne was meerly gulled in reading or trusting to those Books, for there were no Lawes in* England. *John* answered, *he did believe him, for that his great Masters*, Cromwell, Fairfax, &c. *had destroyed them all. Nay,* (quoth *Hugh*) *there never was any in England:* with that *John* shewed him *the Petition of Right*, asking him, *whether that were a Law?* which *Peters* had the impudence to deny, asking *What Law was? John* replied * out of the Parliaments owne Declarations, *The Law is that which puts a difference betwixt good, and evill; just, and unjust: If you take away the Law, all things will fall into confusion, every man will become a law unto himselfe; which in the depraved condition of humane nature must needs produce great enormities; lust will become a law, envie a law, Covetousnesse and ambition will become lawes: and what dictates, what decisions such lawes will produce may easily be discerned. This* (*Master* Peters) *is a Definition of Law by the Parliament in the daies of their primitive purity, before they had corrupted themselves with the Common-Wealths money. And elsewhere the Law is called,*

† Compare this Act of the Kings, With the violent act of those Traytors and Tyrants, *Fiarfax* & his Councell of Warre in imprisoning and secluding above 200. Members at once without cause shewne, & leaving only 40. or 50. of their cheating Faction in the House to carry on their bloody Anarchicall designes; some of which secured Members with barbarous usage were almost brought to death, and their murder since att[empt]ed by Soldiers.

* The Law is now taken away and all things in confusion by turning our Monarchy (without our consent) into a Free-State of Slaves govened by Tyrants.

The safeguard, the custody of all private Interests, your honors, lives, liberties and estates, are all in the keeping of the Law, Without this every man hath a like Right to any thing; It is the best birth-right the Subject hath: it is a miserable servitude or bondage where the Law is uncertaine or unknowne. To this the Comick Priest replied, *I tell you (for all this) there is no Law in this Nation but the Sword, and what it gives; neither was there any Law or Government in the World but What the Sword gave.* To this the honest Lieutenant Colonel answered, *Master* Peters, *You are one of the Guides of the Army, used by the chief Leaders to trumpet their Principles and Tenents; and if your reasoning be good, then if six Theeves meet three or foure honest men and rob them, that act is righteous, because they are the stronger Party.* And *if any power be a just power that is uppermost, I wonder how the Army and Parliament can acquit themselves of being Rebels and Traytors before God and Man, in resisting and fighting against a just power in the* KING, *Who was a power up and visible, fenced about With abundance of Lawes, so reputed in the common acceptation of all Men, by the expresse letter of which all those that fought against Him are* (ipso facto) *Traytors; And if it were not for preservation of our Lawes and Liberties, Why did the Parliament fight against Him, a present power in being? and if there be now no Lawes in* England, *nor never Was, then you and your great Masters,* Cromwell, Fairfax, *and the Parliament are a pack of Bloody Rogues and Villaines, to set the People to murder one another, in fighting for preservation of their Lawes, (in Which their Liberties were included) Which was the principall declared Cause of the Warre from the beginning to the end. I thought* (quoth the Lieutenant Colonel) *I had been safe When I made the knowne Lawes the rules of my Actions, which you have all sworne and declared to Defend; and make as the standard and Touchstone between you and the People.* * *I but* (replied *Hugh*) *I will shew that your safety lies not therein, their minds may change, and then Where are you? I but* (quoth the Lieutenant Colonel) *I cannot take notice of What is in their minds to obey that: but the constant Declaration of their minds (never contradicted in any of their Declarations) as, That they Will maintaine the Petition of Right, and Lawes of the Land, &c.* This was the substance of their discourse; saving that *John* pinched upon his great Masters large fingering of the Com-

This doctrine of Devils, that it is lawfull to submit to any present power that is strongest; is broached in a Pamphlet by old *Rowse* the illiterate Iew of *Eaton-Colledge*. And by *John Goodwin* the sophistical Divine: which is fully confuted in *A Religious Demurrer concerning submission to the present power*; an excellent piece.

* The Lawes are now no protection to us, nor the rule of our actions, but the arbitrary wills and lusts of the Grandees.

mon-

mon-wealths Money, calling it *Theft and State-Robbery*, and saying, *That* Cromwell *and* Ireton *pissed both in one quill, though they seem sometime to go one against another; yet it is but that they may the more easily carry on their main design, To enslave the People.*

Reader, I was the more willing to present the summe of this Debate to thee, that by comparing their doctrine and principles, with their dayly practises, thou mayest perfectly see to what condition of slavery these beggarly upstart Tyrants and Traytors have reduced us by cheating us into a Warre against our lawfull Soveraigne, under pretence of *defending our Lawes and Liberties, and the Priviledges of Parliament*, which themselves onely (with a concurring faction in the House) have now openly and in the face of the Sunne pulled up by the roots: and now they stop our mouths, and silence our just complaints with horrid, illegall and Sect. 162. bloudy Acts, Declaring, *Words* and *deeds* against their usurpations and tyranny, to be *High Treason*: nothing is now Treason but what the remaining faction of the House of Commons please to call so. *To murder the King, breake the Parliament by hostile force, put downe the House of Lords, erect extrajudiciall High Courts of Iustice to murder Men Without Triall by Peers or Iury, or any legall proceeding; to subvert the fundamentall Government by Monarchy, and dispossesse the right Heyre of the Crowne, and to usurp His supreme Authority in* a factious fagge end of *the House of Commons, to put the Kingly Government iuto* a packed Iunto of forty Tyrants, called, *A Councell of State; to exercise Martiall Law in times of peace*, and upon Persons no Members of the Army; *to raise* what unnecessary *illegall Taxes* they please, and share them and the Crowne Lands and Revenues amongst themselves, leaving the Souldiers unpaid to live *upon Free-quarter*, whilst they abuse the People with pretended *Orders against Free quarter*; *to alter the Styles of Commissions, Patents, Processe, and all Legall proceedings, and introduce a foraigne Iurisdiction*; *to Counterfeit the Great Seale and Coyne of the Kingdome*, and to *keep up Armies of Rebels* to make good these and other tyrannies and Treasons, is *High Treason by the knowne Lawes*; but now (by the Votes of the Conventicle of Commons) it is *High Treason to speake against these Crimes*. Good God! how long will thy patience suffer these Fooles to say in their hearts *there is no God*? and yet *professe*

thee

thee with their mouthes ? to breake all Oathes, Covenants, and Protestations made in thy name, to cloake and promote their Designes with dayes of impious fasting and thanksgiving? how often have thy Thunderbolts rived sensleſſe Trees, and torne brute Beasts that serve thee according to their creation? yet thou passest over these men who contemn thee, contrary to their knowledge and professions: *Scatter the People that delight in warre: Turne the Councells of the Wise into folly, let the crafty be taken in their owne net*; and now at last, *let the Oppressed tast of thy mercies, and the Oppressor of thy Justice*; throw thy rod into the fire, and let it no longer be a bundle bound together in thy right hand. They appeale to thee *as Author* of their *prosperous sinnes*, become (Lord) *Author of their just punishments*; bestow upon them the *reward of Hypocrites*, and teach them to know the difference between the *saving strength* of Magistrates, and the *destroying violence* of Hang-men: But what am I that argue against thy long-suffering (whereof my selfe stand in need) and seek to ripen thy vengeance before thy time? *Shall the Pot aske the Potter What he doth? I beheld the prosperity of the Wicked, and my feet had almost slipped: Lord amend all* in thy good time, and teach us heartily to pray, *Thy will be done in Earth as it is in Heaven.*

170. The Act for Abolishing Monarchy proclaimed in *London.*

May. 30. 1649. The aforesaid trayterous Act *for abolishing Kingly Government*, and converting *England* into a *Free-State.* (consisting of forty Tyrants, and many millions of Slaves) was proclaimed in *London* by the newly intruded *illegall Lord Major Andrewes*, accompanied with 14 *Aldermen* of the same pack; the People in great abundance crying out. *Away with it, away with it*; *GOD save King CHARLES the Second*: and bitterly reviling and cursing it and them, untill some Troops of Horse (ready prepared in secret) were sent to disperse, beat, and wound them: and yet the *Tryall of the King*, and the subverting of our well-formed *Monarchy* (under which we lived so happily heretofore) with all other Acts of the like high nature was done *in the name of the People of England*, although (I dare say) at least *five hundred to one* (*if they were free from the terror of an Army*) *would disavow these horrid Acts*; so little are the People pleased with these doings: notwithstanding the *new Title* the Conventicle of Commons have gulled them withall, Voting the People

of

of *England* to be *The Supreme Power*, and the Commons representing them in Parliament *the Supreme Authority of the Nation* under them: This was purposely so contrived *to engage the Whole City* and make them as desperately and impardonably guilty as themselves: and certainly if this Tumult of the People (*amounting to a publique disclaimour of the Act*) had not happened, the whole City had been *guilty by way of connivance*, as well as these *Aldermen*, and the *illegall Common Councell*, newly packed by the remaining Faction of Commons, contrary to the Cities Charters, to carry on these and such like Designes, and *entangle the whole City in their Crimes and Punishments.*

* *The Names of the Lord Mayor and Aldermen of the City of* London *that personally proclaimed the Act* for abolishing Kingly Government.

Alderman *Andrewes*, Lord Mayor.

Alderman *Tennington.*	Alderman *Bateman.*
Ald. *Wollaston.*	Ald. *Atkins.*
Ald. *Foulkes.*	Ald. *Viner.*
Ald. *Kenrick.*	Ald. *Avery.*
Ald. *Byde.*	Ald. *Wilson.*
Ald. *Edmonds.*	Ald. *Dethick.*
Ald. *Pack.*	Ald. *Foot.*

171. A Thanks-giving Dinner in the City for the Generall, &c.

The Pharasiticall House of Commons voted an Act, 1. *June* for a day of Thanks-giuing to set off K. *Olivers* Victory over the Levellers with the more lustre; and to sing *Hosanna* to him for bringing the grand Delinquent to punishment. The wise Lord Mayor and his Brethren (in imitation) invited the Parliament, Councell of State, the Generall, and his Officers, to a Thanks-giving Dinner upon that day. The Commons appointed a Committee (under pretence of drawing more money from Adventurers for Relief of *Ireland*) to engage the City farther to them; *Cromwell* had the Chaire in that Committee: the device was, that the Common Councell should invite the Parliament, Coun-

cell of State, and Officers of the Army to Dinner, and feast them as a Free-State, and then move the Supplies for *Ireland*. But if the Levellers had prevailed, the thanks-giving whit-broth and custard had beene bestowed npon those free-spirited Blades, whom *Oliver raised into a mutiny with one hand*, and (by advantage of his Spies) *cast downe with another*, for the glory of his owne Name, and *that he might have an occasion to purge the Army (as he had done the Parliament) of all free-borne humours.*

172. The Councell of State sit in pomp at *White hall.*

White-hall is now become the Palace of a *Hydra of Tyrants instead of one King*, where our *Hogens Mogens*, *or Councell of State* sit in as much state and splendour with their Roomes as richly hanged (I wish they were so too) and furnished (if you will believe their licenced News-books) as any Lords States in *Europe*; yet many of *these Mushromes of Majesty were but Mechanicks*, Goldsmiths, Brewers, Weavers, Clothyers, Brewers-Clerks, &c. whom scornfull Fortune in a spitefull merriment brought upon the Stage, and promoted to act the parts of Kings (to shew that Men are but her Tennis-balls) and when she is weary with laughing at their disguises, will turne them *into the Tyring Roome out of their borrowed cases*, and shew us that *our Lyons* are but *her Asses*. The Kings poore Creditors and Servants may gape long enough (like Camelions) to see the aforesaid Ordinance executed, *for sale of the King's Goods to pay their Debts*: they (poore Soules) are left to starve while these Saints Trimphant revell in their Masters Goods and Houses.

173. A generall survey to be taken of the whole Kingdome, that every mans Estate reall & personal may be taxed.

Orders about this time were sent forth into *London* and the Counties adjacent *for certaine Committees to enquire upon Oath and certifie the improved value and revenue of every mans Estate reall and personall*, wherein good progresse hath been made already; the like is to go forth throughout the Kingdome. That our 40 mechanick Kings now sitting in *White-hall*, and the self-created supreme Authority of the Nation, may take an exact survey (in imitation of *William the Conquerours Booke of Survey*, called *Doomes-day*, remaining in the *Exchequer*) of their new conquered Kingdome, and know what they are like to get by their villanies; and how to load us with Taxes and Free-quarter, and what the value of their Estates are when they have compleated their Design *of Sequestring the Presbyterians as they have done the Royalists.*

The

The faction in the House are this beginning of *June*, 1649. sitting abrood upon an Act *to enable Committees to give Oathes in some cases*; and yet the *House of Commons never had* nor pretended to have *power to give Oaths* themselves (though every Court of *Pypowders* hath) because *the House of Commons is no Court of Judicature*, but onely *the Grand Inquest of the Kingdome, to present to the King the grievances & the necessities of the People by way of humble Petition*; as appears by our Law-Books and Statutes: and therefore the Commons can grant no more then they have themselves, But now the remaining faction of the House have voted themselves to be *the supreme Authority of the Nation*, and have a Sword to maintaine it, they and we must be what they please: yet I must affirme, that to take *illegall Oathes* is neither justifiable before God nor Man, and no lesse than *damnable*. But (it may be) that by accustoming the People to take these new-imposed, illegall Oathes, they hope to make them the more easily swallow their intended *new Oath of Allegiance* to their *new State*, and their owne Damnation together hereafter.

174. An Act enabling Committees to give Oaths.

All the Scrivenors about the Towne are commanded by the Supreme thing *to produce their Shop-books*; that notice may be taken who are guilty of having money in their purses, that the fattest and fullest may be culled out and sequestred for Delinquents, now that their almighty Saints-ships have occasion to use it for defence of their Free-State, if they would but search one anothers private pockets they would find money enough. The like attempt (onely) in the Kings time was cried out upon as a high peece of tyranny, but nothing can be tyranny under a Free-State: The Supreme Authority being so full a Representative-glasse of the People, that it takes our very substance into it self, and leaves us onely the shadow, whilst we wander up and downe like our owne Ghosts, who having lived under the Monarchy of Good KING *CHARLES*, are now dead and descended like shades into the Kingdome of *Pluto*.

175. Scrivenors commanded to shew Shop books.

The 7. *June*, 1649. the thanks-giving (spoken of §. 172.) was solemnized in the City: the Lord Mayor meeting the Speaker, resigned to him (as formerly was used to the King) the Sword of State (as had been ordered by the House the day before) and received it againe from him: and then the Mayor conducted

176. The aforesaid Thanksgiving solemnized.

them all to *Christ-Church*, where the Commons, Councell of State, Generall, and his Officers, together with the Mayor, Aldermen, and Common Councell, &c. mocked God with their Devotions, where Master *Tho: Goodwin*, and M *Owen* preached out of the Politicks to them; from thence they were conducted to a great Dinner at *Grocers hall*, and entertained in the quality of a *Free-State*: no man being admitted without delivering his Ticket. They were all strongly guarded with Souldiers, and every Cooke had an Oath given to be true to them, which shewed they had more of fear and guilt than confidence and innocency within them. Great Presents of Plate given to his Excellency *Fairfax*, and to his Super-excellency *Cromwell*, and to others, fit to be chronicled in *Stowes*, and *Hollingsheads* Volumes, amongst other solemn Fooleries; let it not be omitted that *Hugh Peters* & many other Saints were too full of the Creature (*anglice*) Drunk.

177. A necessary advertisement to all honest Presbyterians. See K. *Charles* the First his Book, [*The portraicture of His Majesty in His solitudes and sufferings.*]

I am to give a necessary advertisement to all men, that though the young KING shewes much respect and a desire of reconcilement (according to his dead Fathers never dying preceps) to all moderate men and Presbyterians that make Addresses to Him, yet it is complained of by some (who look not into the underminning practises of our new Statists) that some few of His Counsellors and Followers are as violent against the more moderate and honest Presbyterians, as against the Independents who murdered His Father; but these zealous Royalists are either some passionate light-brain'd men of little discretion and lesse power with Him, or else some false-hearted Pensioners to our new State, and such as have under-hand an Indemnity for their owne Estates in *England*; who stand like Scar-crowes about His Majesty to fright away such as returne to their Loyalty, and tender their due Allegiance to Him, thereby to weaken the hands of His Majesty, and cut off the hopes of this Nation from depending upon Him, who as our undoubted Soveraigne (both by the Lawes of God and the Land) and Gods Vice-gerent in His three Kingdomes, onely can and will (if we forsake not him and our selves) free and protect us from the many headed, miserable, arbitrary tyranny we now starve and bleed under; and restore unto us againe our Religion Lawes and Liberties, our Wives, Children, and Estates, Trading, Husbandry, peace and plenty now held.

Some over-hastily expect the King should satisfie the Presbyterians by His Declaration? but the heigth of the Independents malice & their guilty fears are such as may endanger the drawing on a Massacre upon them by such a course.

held in more than Ægyptian bondage, under our cruell, bloody & thievish Task-masters, *Remember his deceased Majesties gracious Messages* frequently sent for peace and reconcilement; *Remember His Concessions* to His Parliament upon the last Treaty; (more than ever any King granted to His People.) *Remember His pious, meek and Christian Martyrdome* suffered for His People, which bitter Cup had passed from Him if He would have built up and established this *Babel* of Tyranny now insulting over us, and have turned our wel-mixed Monarchy into an Olygarchicall legall Tyranny, by adding His Royall Assent to their wicked Demands tendered to Him but two daies before His translation form this valley of teares. *Remember His Post humus Booke to His Sonne, full of precepts*, savoring meerly of piety, Christian wisdome, charity and forgivenesse, to His very Enemies; and then judge whether our late King, or our usurping Kinglings (now scratching and tearing us, making one Warre beget-another, perpetuating an Army, and domineering over us by the power of the Sword) were the naturall Parent whose bowels yearned upon this (now) Orphan Child, the English Nation dying and expiring under this new Corporation of Tyrants, (the putative Parent) which overlayed it? He that acknowledged Allegiance to the Father, cannot deny it to his Sonne, as having *sworne to beare faith and true Allegiance to the King his Father, and to his lawfull Heyres and Successours*; which our usurping *Hogens Mogens* cannot pretend to be: so that as well for duty and conscience to God and their owne Soules, as for a necessary and just protection of their lives and estates, all honest and wise men ought to cast themselves into the Armes of his Dread Majesty our present KING, as the onely sanctuary of their salvation, and not suffer themselves to be so farre mis-led by vaine reports, as to be more afraid of their cure than of their disease.

See a Booke, entituled, [*His Majesties Gracious Messages for Peace.*] and Master *Pryn's* Speech, 5. *Dec.* 1648. in the House. And the secured Members Reply to the Councell of Warre.

1 King. 3.

Oath of Allegiance, & Statute of Recognition, 1 *Iacobi.*

Stultorum incurata pudor malas ulcera celat.

Solomon hath shewed you out of the Cabinet of Nature the difference between a Natural-Mother and a Step-mother; and that you may see the difference between a natural King, correcting his owne people with fatherly compassion for examples sake; and a Usurper, wounding, killing and robbing (those which are none

Dictum de Kennelworth

of his owne) his fellow Servants for his lust and lucre sake, I will set downe a short Abridgement of our owne famous *Dictum de Kennelworth*, and first the occasion thereof, which was thus:

Simon de Montford, Earle of *Leicester*, conspiring with many other great Men, rebelled against *Henry* 3. pretending (after the manner of all Rebels) *Reformation of publique Grievances*. He overthrew the King in battle, took Him and his Sonne Prince *Edward* Prisoners; the Prince after a while escaped out of Prison, raised an Army, overthrew and slew in the Battle of *Evesham Simon Montford*, subdued the whole Party, rescued and re-inthroned his Father. Commissions were sent forth to prevent future troubles, and settle mens minds grown desperare with feare what horrid punishments so horrible a Rebellion would bring upon them: The result of all is contained in the said *Dictum de Kennelworth* as I find it in *Magna Charta veteri*, *fol.* 60. *part.* 2. observe the moderation of it; No man bled to death for it but in the field; the bloud of warre was not shed in time of peace: the King did not slay those whom he had taken with his Sword and with his Bow, but reasonably fined them, not unto destruction; though the knowne Lawes called them *Traytors*, and put them into his power for life, lands and goods; they were but once punished, not alwaies tormented and kept upon the rack, after the late custome of our fellow Servants and Subjects; who will never suffer the partition wall between us to be throwne downe, *England* once more to become one Nation, and one People; and our broken bones to be againe set and knit together.

See the late History of the Marqueese of *Montrosse* what gentle use he made of his Victory after he had subdued the strength of *Scotland* at the Battle of *Kylsythe*.

Dictum de Kennelworth.

None to be Dis-inherited, but onely fined: As namely, Those

1. *That began and continued in Warre.* 2. *That held* Northampton *against the King.* 3. *That fought against him at* Lewis, Evesham, Chesterfeild. 4. *That were taken at* Kenilworth. 5. *That sacked* Winchster, *being yet unpardoned.* 6. *That voluntarily sent against him, or the Prince.* 7. *The Officers of the Earl of* Leicesters *who molested their Neighbours with Rapine, Fire, Murder, or otherwise, to pay in three yeares five yeares value, and half their Estates of Land. If they sell it, such as are by the Kings grant possessed of then to have them giving as any other, &c. and so if it be to be Let, those who pay the whole to have all instantly, and that pay halfe, to have halfe: If in three yeares the whole be unpaid, the Land to be divided between him that owes it, and him to whom the King hath given it. If any have Woods by sale of which he would pay his Fine, the money to be paid by two, of which either side to chuse one.*

2. *Knights and Esquires, who during this Warre have enriched themselves by Rapine, having no Land, to pay half their goods, and be bound with Sureties to the peace; if no goods be quitted by Oath,* exceptis bannitis quibus solus Rex potest remittere.

3. *Lords of Wards to pay for them, and be answered by their Wards when they come to age: which if they accept not, the Wardship to accrue to such as the King hath given the Ransome to, and they to be so answered.*

4. *The*

4. *The Kings Wards to remaine where they are placed, and be Ransomed as others, but without destruction.*

5. *Such as were with the King before the Battle of* Levvis, *and since are Dis-inherited, His Majesty to declare his pleasure touching them.*

6. *No man now possest of wood to sell any but onely for repaire till the last day of payment be passed and not observed.*

7. *The King and the Popes Legate to send beyond sea for a time such as are likely to trouble the peace of the Kingdome, which if it hindered the paying of their Ransome, not for that to be Dis-inherited.*

8. *Such as were grieved with this Agreement might appeale to the Kings Court before S.* Hilary, *and such as were beyond sea to have* inducias tranſmarinas.

9. *Because the King was to reward many and some had too much, the King out of these Fines to provide for them.*

10. *The Legate, King, and* Henry d'Almain *to Elect*
12. *who should cause these Articles to be executed, and to see performed what they ordaine, according to the estimates already taken, or if not to have new rates taken reasonable and true.*

11. *Tenants tha were against the King to lose their Leases; but at the expiration of their time the Land to returne to the true owner.*

12. *Forts*

12. *Forts built by the assent of the King, but without that of the Person dis-inherited, after the Fine paid in three yeares, to pay the costs of building of it in six yeares, or receive a reasonable exchange in Land.*

13. *Such of the Lay as apparently drew any to the part of the Earle of* Leicester *to pay two yeares Revenue.*

14. *The Buyers of other mens goods wittingly, to restore the value of that they have bought, and be at the Kings mercy, because that they did was against justice.*

15. *Those that at the Earls command entered* Northampton, *yet fought not, but entered the Church.*

16. *Such as held not of the Earle, yet at his command entered to the action with him to pay half one years Revenue.*

17. *Such as held of the Earle to be onely at the Kings mercy.*

18. *Impotent Persons, and such as did nothing to be restored to their Possessions, and by justice recover their damages, their Accusers punisht by Law, yet without losse of life or limb.*

19. *Malitiously accused to have their Estates immediately restored.*

20. *Women to have their owne Lands, and what they had of their first Husbands; if their late Husbands were against the King to be restored according to Law, or Fined.*

21. *None*

21. *None to be fined but such as were against the King.*

22. *Such as have been Pardoned to remaine so.*

23. *Those that are fined to answer no Losse done to any, but all damages to be remitted on every side; except those that intermedled not, and of the Church whose actions are saved.*

24. *The King by reasonable Exchange to receive the Castles of* Erdsley-Bishop, *and* Chartley, *it seeming dangerous to leave Forts in their hands who have carried themselves ill towards the* King.

25. *Those that in the future shall commit any outrages, to be punished by Law.*

26. *An Oath to be taken where it shall be held convenient, not to pursue each other with revenge; and if any shall attempt the contrary, to be punished according to Law.*

27. *The Church to be satisfied by those that injured it.*

28. *Such of the Dis-inherited as refuse this Composition to have no Title to their Estates, and to be esteemed publique Enemies to the* King *and* Kingdome.

29. *Prisoners to be freed by the advice of the* King *and Legate.*

30. *No Person to be Dis-inherited by reason of these Troubles by any to whom he ought to Succeed.*

You

You see what great care was here taken to prevent spoyle and waste of Woods, &c. whereas in this latter Age the first thing taken into consideration, is, how to raise ready Money by destruction of Woods, Housing, and selling of the Stock to lay the Lands waste, and decay Hnsbandry, to the endangering of a Famine for the present, and the Dis-inheriting our innocent Posterity for the future: so little care is taken to Keep that well which is so ill and illegally gotten. And how much regard was had to preserve innocent Persons from suffering wrong in any just claim or Title they could make to any Land possessed by a guilty Person: whether they claimed by Dower, Joynture, Title or Estate in Reversion, or Remainder or otherwise? I wish the like justice were now observed.

178. The losse of Ships at *Kingsale* suppressed and misreported in the House, and why.

Monday night, 4. *Iune*, 1649. that third part of a Lord Admirall, Col. *Edw. Popham* came to *Westminster*, and presently made his Addresses to the high and mighty Estates in *White-hall*, giving them a dismall Relation of his ill successe in tampering with the Governour of *Kingsale* in *Ireland*; who (proving honester than the Saints expected) tooke a summe of money of him to betray the Towne, Forts, and Ships in the Road: but when *Popham*, came in to the Haven to take possession of his new purchase, gave him such a Gnn-powder welcome that he lost most of his Men, landed to take livory and seasin, and divers Ships: he was commanded to conceale this Ill newes, lest it discouraged the City to engage so farre with them, as to entertaine them in the condition of a Free-State, and surrender the Sword to them, and so spoile the Designe of their Thanksgiving Devotions and Dinner to be celebrated together in, and with the City upon Thursday ensuing the 7. of *Iune*: and lest it should dishearten more secluded Members from comming to sit in the House with them againe, knowing, *that Tyrants are followed for their fortunes, not for themselves:* wherefore upon Tuesday following (being the 5. *Iune*) *Popham* made another kind of Report to the Plebeians of the Commons House (who must not be trusted with the truth of State-mysteries, but (like Wood-cocks) must be led in a mist) *That he had left* Kingsale *blocked up with ten Ships, and the Seas secured in peace and quietnesse*: and the better to adorne the fable, and suppresse the truth from approaching the ears of the people.

the House that day (5. *Iune*) passed an Order, *That for this remarkable additionall mercy bestowed upon them in the prosperous successe given to their Fleet at Sea, upon Thursday next,* 7. Iune (*the day set apart for publique Thanksgiving*) *the Ministers should praise God.* Lord! since these audacious Saints are so thankfull to thee for one beating, bestow many more beatings upon them, for they stand in need of all thy corrections The like attempt hath been upon *Scilly* with the like successe, since which time forty sayle of Ships are pressed in the *Thames* to recruit their shattered Navie; given forth *to be a Winter Guard* at Midsomer.

Scout, from *Iune* the 8. to 15. 1649.

179. Gifts given amongst the Faction.

Iohn Blackiston is packed away to the other world; and the House upon 6. *Iune*, voted to his Wife and Children 3000l. out of the Earle of *Newcastle's*, and Lord *Wytherington's* Estates, in compensation of the losse of his pedlery Ware, in his Shop at *Newcastle*; he had formerly given to him 14000l. you see the insatiate hunger of Gold and Silver survives in the very Ghost of a Saint after he is dead. 500l. more was given to *Iohns* Brother; an Estate out of the Rectory and Demesnes of *Burford* was setled upon the Speaker. 4000l. *per ann.* Lands are to besetled upon the Generall out of the Duke of *Buckinghams* and his Brother the Lord *Francis Villers* Estates. 400l. *per ann.* out of *Claringdon-Parke* upon the Earle of *Pembroke*. 1000l. was bestowed upon an eminent Member of Parliament for his many good Services. 48681. to the Lord *Lisle*, out of the Monthly Assessment for *Ireland*, for his penny-worth of good service done there; you see to what purpose we pay Taxes. 2000l. Land *per an.* and 1000l. Money given to *Bradshaw*, the price of Bloud. And 400l. more given to the Poor of the City (to stop their mouths from cursing upon the Thanksgiving-day) out of the 2000l. Fine set upon the Lord Mayor *Reynoldson for not proclaiming the Act for abolishing Kingly Government*; this is (according to the Spanish Proverb) *To steale a Sheep and give away the Trotters for Gods sake*. You see the Saints can find Money to give Gifts, though not to pay Debts; although the Publique Faith lie at pawne for them. A Committee is appointed to consider how to preferre Mr. *Tho: Goodwin* and Mr. *Owen* to be Heads of Colledges in *Oxford* as a Reward for asserting the late proceedings of Parliament upon the aforesaid Thanksgiving-day. It is not fit such men should

serve

serve God for nothing: in the times of S. *Peter* and S. *Paul*, *Godlinesse was great Gaine*; but in the daies of our moderne Saints, *Gaine is great Godlinesse*.

180. The Excise enlarged upon Salt.

The thing that miscalls it selfe *a Parliament*, hath set an Excise of Id. the Gallon upon all forraigne Salt imported; which is, in effect upon all the Salt we use, (our home-made Salt being inconsiderable) you see our Cups, our Spits, our powdring Tubs, our washing Bowles, our Kettles, our Hats. Dublets, Breeches, Stockings, Shoos; nothing we use, eate, drink or weare, is free from being devoured by these sanctified Locusts of the Free-State, who complained of the King for that petty inconsiderable Tax of *Ship-money*, which His Majesty spent in maintaining Guards of Ships upon our Seas, so much to the Honour of our Nation, that the King of *Spaine* trusted all those vast summes of Bullion he sent to the *Low Countries*, to be Coyned in our Mint, and above a third part yearly to be layd out here in English Cloth and Commodities, which with the residue of the Spanish Treasure was afterwards wafted over into *Flaunders* in English Bottomes, for which they were liberally payed; whereby every mans Estate was increased 10l. in the hundred, *England*, infinitely abounded with Coyne and Plate, as appeares by those many vast summes that have been constantly extorted from the People since the beginning of these Warres; more, I dare say, than all our Kings since the Conquest, excluding *William the Conquerour* and *Henry the Eighth*) euer raised upon the People) and by those many vast summes our seeming Saints have sent into Banks beyond Sea, and buried in their private Coffers.

181. A Vindication of the Levellers in some things? and a farther designe to garble and enslave the Army.

Reader, let me admonish thee, That the Levellers) for so they are mis-called, onely for endeavouring to Levell the exorbitant usurpations of the Councell of Officers and Councel of State) are much abused by some Books lately printed and published in their names, much differing from their declared Principles, Tenets, and Practices; but forged in *Cromwells* and *Iretons* shops to cast an *odium* upon them. These State-wolves by such forgeries endeavour to make the Sheep forsake and betray the Dogs that faithfully guard them; that they may with more security fleece them, flay them, and eate them hereafter. *Ireton*, *Haslerig*, and Postmaster-Attorney *Prideaux*, by themselves and their

Bloud-hounds, (Spies and Intelligencers) have been very diligent to draw dry-foot after M. *Lilborne*, *Walwine*, &c. and subborne witnesses against them, but (not having yet quite extinguished all sparks of truth and honesty, unlesse it be in their owne breasts) failed of their purposes. Yet they goe on to purge the Army (as they have done the Parliament and Conventicle of State) of all free-borne humours (in order to their destruction) that the Army may consist of meere mercenary bruitish spirits, such as will so far neglect the duties of men and Christians, as to execute all their tyrannous, bloudy, illegall Commands, with a blind obedience and implicite faith, without asking a question for Conscience sake, the better to enslave both the Kingdome and Common-Souldiers. In farther prosecution of this Designe, they have projected to levy seven new Regiments, which (by way of Gullery) they call *Presbyterian Regiments*, and shall be raised by Presbyterian Commanders, but those Commanders shall onely be imployed to countenance the work for a time, and then for pretended offences be purged out of the Army, if not out of this world, by the Councel of Officers: and more confiding men put in their roomes: and then shall these new Officers and Regiments be used as Catch-poles and Hang-men (contrary to the honour of Souldiers) to persecute and execute such Members of the Army as retaine any sense or memory of their old Engagements and Principles.

* 182. The pretended Parliaments Councell of state and officers confederated with *O-Neale*. See *An After-game at Irish. &c.* 1649. and the Propositions printed at *Cork*, and reprinted at *London*. From *June* 6. 1649.

* I formerly told you of an underhand combination between the domineering Independent party here, and *Owen Roe Oneale*: which is now openly declared and avowed by their owne licenced News-books. *Owen Roe* and Colonel *Monke* are joyned (saith the *Modest Narrative*) our Party have permitted 300. of *Onealls* own Regiment to Quarter in our parts amongst the Creats within two miles of *Dundalke*, (saith the *Scout*) *Owen Roe* and *Berne* are come towards Col. *Iones*, and Col. *Monks* Quarters, he is so faire as to pay Contribution: his Quarters are to the Scots side of *Dublyn*, to preuent their giving ayde to *Ormond* in his attempt upon *Dublyn*: who can blame necessity? nor doe our Grandees now deny this Confederacy with the bloudy Popish massacring Rebels, although they had the impudence to make the only supposition thereof one of the principall Charges

June 8. 1649.

Moderate Intelligencer, from *June* 7. to 14. 1649. num. 221.

against

against the late King; and to raise a great out-crie against the Marquesse of *Ormond* and Lord *Inchiquine* for their conjunction with *Preston*: yet they joyned but to prevent the *Cromwellists*, who offered to associate with him upon conditions much more prejuditiall to the Protestant Religion, and English Interests, han *Ormond* hath given them. They have offered this *Oneale* all the Lands in *Ulster* forfeited by his Grandfather *Tyrone*, *Shane Oneale* and others attainted, thereby destroying the British Planters there; and this is the reason they imploy so few old Irish Commanders into those parts, lest the *Oneals* should doubt they came to recover their owne Lands againe. But our Atheisticall Saints account themselves loose when other men are bound, nothing but a Halter can hold them; all obligations to men, all duties and Vowes to God, they break upon *pretended necessity and honest intentions.* Their Metropolitan Nuntio, *Iudas Haclet,* tells you, *Their Party will not joyne with the bloudy Irish, untill they are brought to such a pinch, as to say.*

See the Councell of Warres Answer concerning the secured and secluded Members ? from 6. *Iune*, to 13. num. 3.

Flectere si nequeo superos Acheronta movebo.

If God will not be Authour and Patron of their Designes, the Devil shall; you see these Independents hang between God and the Devill, *Michael* and the Dragon, not resolved which part to take.

183. *Parker* the Observator.

Be it known unto all men by these presencs, that *Harry Parker* the Observator is returned from *Hamborough*, and highly preferred to be Brewers Clerke, (*alias* Secretary) to *Cromwell*; to whose Designes he hath prostituted his pen.

184. *Meltons* Booke, *The tenure of Kings and Magistrates, &c.*

There is lately come forth a Booke of *Iohn Meltons* (a Libertine that thinketh his Wife a Manacle, and his very Garters to be Shackles and Fetters to him: one that (after the Independent fashion) will be tied by no obligation to God or Man) wherein he undertaketh to prove, *That it is lawfull for any that have power to call to account, Depose, and put to Death Wicked Kings and Tyrants (after due conviction) if the ordinary Magistrate neglect it.* I hope then it is lawful to put to death wicked *Cromwells*, Councels of State; corrupt Factions in Parliament: for I know no prerogative that usurpation can bestow upon them. He likewise

asserteth,

asserteth, *That those, who of late, so much blame Deposing, are the men that did it themselves*, (meaning the Presbyterians.) I shall invite some man of more leisure and abilities than my selfe to Answer these two Paradoxes: But shall first give him these cautions:

1. That for the Polemick part he turne all his Arguments into Syllogismes, and then he will find them to be all Fallacies, the froth of wit and fancy, not the Dictates of true and solid Reason.

2. That for the Historicall or narative part he would throughly examine them, and he will find few of them consonant to the plumbline of truth.

3. That he would consider that from the beginning of this Parliament there were three Parties or Factions in it:

1. The *Royalists.*
2. The *Presbyterians.*
3. The *Independents.*

For though they were not then notorious by that name, yet the Persons confederated were then extant and active; being a complication of all *Antimonarchicall, Anarchicall hereses and schismes, Anabaptists, Brownists, Barrowists, Adamites, Familists, Libertines* of all sorts; the true Heyres and Successors of *Iohn of Leyden* and *Knipperdalling* in all their principles and practises united under the generall Title of *Independent*: and these were originally the men that by their close insinuations, solicitations and actings began, and carried on the Warre against the KING, with an intent (from the beginning) *to pull down Monarchy, and set up Anarchy*, notwithstanding the many *Declarations, Remonstrances*, abortive *Treaties, Protestations*, and *Covenants to the contrary*; which were Obligations (from time to time) extorted from them *by the Presbyterians*, although not strong enough to hold such subtile *Sampsons*, whose strengths to break such Wythes lay not in their Bushes of Hair, but in the Ambushes of their Hearts, wherein there alwaies lay hid some evasion, equivocation, or mentall reservation, which, like a back-dore, gave them leave to make an escape. In the beginning almost of this Parl. the *Independents* (that is, the *Schismaticks*) in the Parliament insisted openly upon it, *to have the Papists in* Ireland *rooted out, and their Lands sold to Adven-*

See the Mystery of the 2. Iunto's Presbyterian and Independent.

Adventurers, and *passing an Act* to that purpose, necessitated the *Irish Papists* to *massacre* the *English Protestants*; which was purposely done by the *Independents*, that both *Papists* and *Protestants* might destroy one another there, that they might the better subvert Protestancy in *England*, which is now in hand. And though it be true that the first Generall, the Earle of *Essex* was a *Presbyterian*, yet he was acted by *Independents*, as the L. *Say*, and others, of the like stamp; and had a clause in his Commission, [*to forbeare the* KING's *Person:*] which clause upon the *Independents* new Modelling the Army under *Fairfax* was omitted at their especiall instance.

185. L. C. *Lilburnes* Booke, [The Legall fundamentall Liberties of the People, &c.]

Monday, 18. *June*, 1649. came forth that most usefull Booke of *John Lilburnes*, called, [*The Legall fundamentall Liberties of the People of* England *Revived, &c.*] wherein he excellently well sets forth *the new usurped tyranny of that Hydra of* Nimrods *now subverting our Lawes, Liberties, and Property, consuming us with illegall Taxes, Excise, Free quarter, Monopolies; and sharing Land, Money, Goods, and Offices amongst themselves, perpetuating an Army to enslave us, and overthrow the fundamentall Government of this Nation*, in order to which *they have complyed with and cheated all Interests, broken all their Obligations to God and Man; violated all the Lawes of this Land, their owne Protestations, Covenants, the Oathes of Allegiance, Supremacy*, (which themselves caused the People to take) *and their owne Votes, Declarations, &c. The illegality of their late erected High Court of Iustice, and their unjust proceedings therein, the tyranny and usurpation of the Councell of State and Officers of the Army.* And proveth, *that Col:* Prides *new purged, new packed House, is neither a House of Commons, nor Parliament; their usurped Supreme Authority to be a meer nullity or fiction*; and especially, *That this Parliament is cleerly dissolved and ended*, which he proveth *by the Death of the King*, and by many other solid Arguments; *and therefore all their Actings to be void and null*: with many other considerable passages, where he ingeniously confesseth, *that being the Kings Prisoner at* Oxford, *with many other of the Parliament Party, the King did strictly observe the Lawes of the Land in His proceedings against them, which this Parliament doth not doe in any their most legall proceedings, for all their pretended Engagements, Declarations, Votes, Protestations and*

Covenants to maintaine and defend the Lawes and Liberties of the People, Ergo, the King *really*, the Faction in Parliament but *pretendedly fought for our Lawes and Liberties.*

186. Tythes to be Sequestred for the State.

The Faction are now contriving *to seize all the Tythes of the Kingdome into their owne hands*, (yet they are the Ministers Freehold) *and to make all the Ministers their stipendary Lecturers*; that they may *preach and teach* onely such Doctrine to the people as may bring them under a blind and slavish obedience to our *forty Tyrants of the new Councell of State*, presuming that all our Ministers carry their Consciences in their purses, because the *Independents* doe so. Looke to your waies Christian Brethren, you are likely hereafter to have *Oracles of State* obtruded upon you instead of the *Oracles of God.* If the Ministers will not parret forth the new States Doctrine to you, they shall be starved out of their Pulpits.

187. An Adjournment of this pretended Parliament considered of.

The thing called *a Parliament* is now likely to have so generall a purge as will leave neither life nor soule, dung nor guts, in the belly of it. K. *Oliver* (unwilling to go for *Ireland*, and leave them sitting, who may unvote all he hath compelled them to vote) hath commanded his Iourney-men to think of an *Adjournment* for some good time, that they may take the ayre, and grow wholsome againe; and then (without some dire mischance) they never meet more: but *this Supreme thing* hath learned to use so much modesty *to their Superiors*, as to referre it to the *Hogens Mogens*, or *Conncell of State*, to *consider what Votes and Acts they shall passe beforehand for establishing their Highnesses in their new Dominion*; And when (out of their usurped *Supreme Authority*) they have conferred as much upon *the Councell of State* as their ambitions ayme at, they (good Boyes) shall have leave to breake up Schoole and go into the Countrey to *see their Friends*, and *visit their Foes*: that is, all such as have full purses to be squeezed. Thus you see *the method of Divine vengeance observes a Degradation*: 1. *Downe went the King*, and His Authority lapsed into the two Houses. 2. *Downe went the Peers House*, and all Authority fell downe into the Commons House. 3. *Downe goes the House of Commons*, and *the Supreme Authority* translates it selfe into a *Councell of State*. And (if my conjecture faile me not) 4. *Downe will go the Councell of State, and all Authority be grasped into the*

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iron hands of Campſon Gaurus *and his Mamaluchy, his Councell of Warre*, when they ſhall think fit to Act bare-faced without uſing a packt pecce of a *Parliament* or *Councell* of *State* as a ſcreen or vizard to cozen and befoole the people.

188. *Cromwell voted for Ireland with ful power Civill and Military.*

In order to which *Government by the Sword*, *Cromwell* is voted *to go iuto Ireland with his owne confiding Officers and Army, with all power Civill and Military for 3 yeares*: what doth this import leſſe than that he is to be *K. of Ireland*? there to practiſe the firſt rudiments of Kings-craft, and when he hath inured thoſe Semi-barbarians to *a Military Government*, he ſhall returne with his *Ianiſaries* and ſubdue *the Engliſh* to the like obedience: In the meane time *his proporty Fairfax* ſhall be under the obſervation of *the Councell af State* here, and be, beleaguered both in his owne houſe and Army with *Olivers* Creatures; and in this diſhonourable fickle condition he ſhall have the vaine honour to keep *Olivers Regalia.* (the Crowne ſitting upon one ſide like a Fooles Cap upon his Head) untill he returne, and ſhall then be called to account for all odious & unfortunate accidents that ſhall happen (for it is not for the Majeſty of *Oliver* to beare the blame, although they fall out by *Cromwell's* owne overſights, or Gods anger upon him) thus *Cromwell's* ſhadow being removed, himſelfe may take ſubſtantiall and actuall poſſeſſion of the Throne which he already enjoyes in all things but the *Title*. And then let all true Saints and Subjects crie out with me, *God ſave K. Oliver and his brewing Veſſels.*

189. *13 Bills injoyned to be paſſed by the Commons before Adjournment.*

The *Iunto* of *Tituler Supremiſts* at *Weſtminſter* (eſpecially ſo many as have not packt themſelves into *the Councell of State*) are very unwilling to quit their long-held Dominion, and ſubmit to their owne Baſtard brood, *The Lords States at White-hall*; but there is no remedy, *Oliver* is reſolved to unyoke his Cattle and turne them to graſſe; he knowes they may unvote all they have voted at his command, if (during his abſence in *Ireland*, or *Scotland* rather) a new emergent power ſhould overawe them; the preſent feare being alwaies moſt terrible to Cowards. But *the Councell of State* hath ſet them their taske, which they muſt ſpeedily performe before they Adjourne, conſiſting of 13. Poynts:

1. *That all Acts concerning the Loans of Moneys, Exciſe, Sequeſtrations, Goldſmiths-hall, Haberdaſhers-hall, Aſſeſments for* Eng-

land *and* Ireland *be passed.* These reprobate Saints will sooner forget their God, then their Mammon, [money.] You see they meane to perpetuate our burdens, as well as their owne Army; and domineer over us with an arbitrary, military tyranny for ever.

2. *That an Act be passed for setling the Militia of the Nation.* This amounts to *a new invented Commission of Array* (lawfull for usurping Saints, though not for a lawfull King) by vertue of which *the scum and dregs of the people* (base enough to associate with the Army) *shall be Armed*, and all men of quality & fortunes (unlesse such as owe their fortunes to their crimes) dis-armed.

3. *Against exporting Wooll and Fullers Earth.* Unlesse it be for the benefit of the Saints.

4. *To prohibite exportation of Gold and Silver.* The Saints have exported all our Gold already, and most of our Silver; and will never give over the Trade themselves though they prohibite others. But Gold and Silver are drawne out of Mines Royall, and belong to the Saints by their prerogative.

5. *An Act to be passed for punishment of Revolted Sea men and Mariners.* None against trayterous, tyrannous, thievish Saints.

6. *An Act for relief of Wel-affected Tenants against Malignant Land-lords; who having compounded for their Estates, rack their Tenants Rents, or turne them out of dores.* This is a device: First, to make worke for such Members as not being of *the Councell of State*, would become as contemptible as they are hatefull, being deveſted of all power to play the Tyrants after Adjournment. And secondly, to stirre up all the Tenants of *England* (especially *Schismaticks*) to combine with them, against their Land-lords; and deprive them of the legall use of their Estates, and the benefit of their Compositions; for, to what purpose shall Gentlemen compound for their Estates, when they must *let* and *set* them at the discretion of domineering Committees, or Commissioners, conspiring with the high Shoos, to oppresse, make a prey of, enslave and unspirit all the Nobility and Gentry of *England* here aymed at under the generall Title of *Malignants*? oh perfidious Tyrants! keep your money Gentlemen, or turne it into iron and gun-powder.

7. *An Act to suppresse Malignant Pamphlets aspersing the present proceedings*

proceedings of the Parliament, Councell of State, and the Army, and prevent Printing as much as may be. This is to set Truth in the pillory, whilst her counterfeit, impudent lying and slandering sits in state *in Parliament, Councell of State,* and *Councell of Officers,* and rides triumphantly Coached into the City to Thanksgiving Devotions and Dinners.

8. *That the Pulpits being as scandalous as the Presse against their proceeding; they enjoyne that a more strict course be taken to stop the mouthes of the Preachers hereafter.* You see how *Ahab-* 1 King. 18. 17.
like these Subverters of Church and Common-wealth, accuse our Prophets *for troubling our Israel* (being their owne sinne) and seek occasion to bring *a spirituall* as well as *a corporall famine* upon the Land, cutting off *the staffe of bread* as well *from our soules as bodies*, by stopping the mouthes of Gods Messengers. But I hope they will remember the duty they owe to the honour of him that sent them upon his Embassage to his people, and fearing God more than Man, every Man crie out to his owne soule and conscience with S. *Paul*, 1 *Cor.* 9. 16. *Væ mihi si non prædicavero, Woe be to me if I doe not Preach.*

9. *That an Act be passed that that clause of the Stat.* 23 *Eliz.* 25 *Eliz.* 1 *Iac. against Sectaries should be repealed, that none may be questioned thereby in the vacancy of Parl.* What is this but to pray in ayde of Turks, Jewes, Anabaptists of *Munster*, nay the Devill himselfe to joyne with them as they have already joyned with *Owen Roe Oneale*, and his bloudy massacring Irish Papists against the Protestant Religion, which was part of the designe of the schismatical Party in Parliament in waging war against the King from the beginning. See §. 184. the Marginall Notes there. This impious Liberty of Conscience to destroy the Protestant Religion is all the liberty we are like to enjoy under the kingdome of these bloudy cheating Saints, in all things else we are meer and absolute Slaves.

10. *That an Act for a Generall Pardon be passed to all Persons except such as are particularly named therein, and declaring no Pardon to any that shall for the future raise Warre in this Nation against the present Authority thereof.* This is a project, 1. *To pardon themselves and their Party* for their transcendent villinies, and to stop the mouthes of the Countrey from complaining of them after-

their Adjournment, and this shall be effectually done, 2. *To befoole silly weak spirited People with general Words of a Pardon* which shall be made ineffectuall by many exceptions and limitations. 3. *This is principally intended to fright men from attempting any thing against the usurped Supremacy and Tyranny of the Councell of State:* and therefore all Pardons to such Attemptors are beforehand declared against. This with them (as a sinne against the Holy Ghost) unpardonable; to deny their Supreme, arbitrary Authority.

11. *That the Act for reliefe of poore Prisoners for Debt may be passed.* Though I can with as much Charity as any Man wish a relieſe to them; yet *I like not that Charity should be made a cloak to ambitious Knavery*; and all the Creditors of the Kingdome be made liable to the vexation of a covetous Committee, who *under colour of Charity shall raise up all the indebted Men of the Kingdom against all the monied Men, if they will not sacrifice their purses to the Feh-Gods of the new State, and be bountifull to the Committee*; which is the full scope of this Proposition.

12. *That the Souldiers may be secured their Arreares out of the late Kings Lands.* This is to tie all the Souldiery by the purse-strings (which is Saints Tenure) to make good that horrid, trayterous Murther.

13. *That an Act be passed for Probate of Wills, Granting Administrations, and Investing of Ministers presented.* These lunatique Saints should have thought upon a new way to be set up before they throw downe the old one, and not have left men in an uncertainty how to dispose of their Estates, and a *Iustititum*, a vacancy of Iustice upon the Kingdom: you see what Mountebanks our new State-Iuglers are. The good Boyes began to learne these Lessons upon Monday, 25. *Iune.*

190. Things undertaken by the Councell of State during the Recesse.

The Councell of State likewise reported to their said Free-Shoole of Commons *severall things which they* (in order to their future greatnesse) *would put into a Way during the Recesse:* against the Houses next meeting, when two Sundaies come together.

1. *That Commissioners be appointed in every County to make an estimate of all Tythes*, to the end they may be taken away for the future, and some other provision designed for Ministers. *This is a Whip and a Bell to lash Ministers to Preach State-Divinity.*

2. *That*

2. *That the Councell of State consider of setling future Parliaments, and the constant time of their calling, sitting, and ending after this Parliament shall thinke fit to dissolve themselves.* If they are not dissolved already, (which is the constant opinion of many great learned Lawyers wel-affected to the Parl.) they will never be dissolved without the help of a Hangman. But I would gladly know by what Authority a Pack of forty Knaves calling themselves *a Councell of State*, and usurping Regall power shall take upon them to abolish our antient forme of Parliaments, contrary to the fundamentall Lawes of the Land, their own Declarations, Protestations and Covenants, and to pack and shuffle new Parliaments, to dispose of our Religion, Lawes, Liberties, Lives and Estates, against the consent of the farre major part of the people.

3. *That they shall consider of an Act for regulating Proceedings in Law, and prevent tediousnesse of Suites.* There are too many Lawyers in the Councell of State to doe any thing effectuall that way; but it may be they will consider how to make the Lawes of the Land more sutable to an Olygarchicall tyranny, and lesse agreeing with Monarchy.

4. *That they will consider what Lawes are fit to be repealed.* That is, all Lawes enjoyning uniformity in Gods Worship, all Monarchicall Lawes, and all Lawes allowing more civill Liberty and Priviledges to the People, and to severall Degrees of men than squares with the Designes of our new upstart State.

1651. Deane and Chapters Lands purchased by the Godly.

So many men have been cheated with Publique Faith, Irish Adventures, and Bishops Lands, that the Market is spoyled for sale of Deane and Chapters Lands, wherefore the Saints (being the onely monied men left in the Kingdome) have now agreed to buy them themselves, considering, that since they hold their Heads and all that they have *in Capite* of their Lords Paramount, *the Councell of Officers*, they may as well buy dog-cheap, and hold Bishops Lands by the same Tenure. For which purpose they have their Broakers abroad to buy in Souldiers and Officers Debentures for Arreares at 5*s.* and 6*s.* in the pound, though they are allowed the whole summs of the Debentures in the Purchase. which doubling in ready money they purchase upon such easie particulars as brings it downe from ten yeares purchase, to two or three years purchase. They are not seen in the businesse themselves:

selves, but buy them in other mens names, and to the secret use of their Wives and Children. The Lord *Munson*, *Humphry Edwards*, and Sir *Greg: Norton*, (who hath sold his owne Land to purchase now upon this Title) and many other Saints have lately trod this obscure path.

192. Souldiers insolencies remedilesse.

Great complaints are made by the Countrey of the Souldiers insolency (amongst many other things) in putting their Horses into mowing Grasse. The Generall hath ordered the next Officer in chief to cause double damages to be given by the Soldier; and if the said Officer neglect, he is to answer it at a Councell of Warre at the Head Quarters. This remedy is worse than the disease, and as meer a gullery as the Act for taking off Free-quarter. The chief Officer will laugh at the Complainant, the Head Quarters are farre off, and the Councell of Warre will tyre him with delaies, and expose him to more injuries of the angry Souldiers. The Officers will not, nor dare not keep a strict discipline.

193. The Earle of *Denbigh* and *Henry Martin* referred to Committees.

The Earl of *Denbigh* referred to the Committee of the Revenue to consider the Arreares of his Ambassie in *Italy*, and of his 1000, Marks *per ann.* pension bestowed upon him by the late King. If his deserts had been better, his Reward had been worse, and worse paid. Also *Henry Martius* Losses and Arreares referred to the consideration of a Committee. If the Committee would know what *Harry* hath lost, they must examine his Barber-Surgeon. *Rowland Wilsons* Arreares and Losses, and the L. *Gray's* Charges and Arreares to be considered and reported: you see charity begins at home, and the Members exercise it (for the most part) in their owne House.

194. The Councell of State authorized to grant Letters of Marque.

June 25. An Act passed, *to enable the Councell of State with absolute power to grant speciall and particular Letters of Marque or Reprisall in the name of the Keepers of the Liberties of* England *by Authority of Parliament:* what is this but to empower the Councell of State to make warre at Sea with all Princes and States at their discretion? they have alredy so farre decayed all the Trade of this Nation, that ere long Traffique will be totally destroyed; whereby our Sea men with their Ships will be necessitated (for want of employment) to Revolt to the PRINCE: to prevent which inconvenience they will find worke for them by granting so

so many particular Letters of Marque to all such as shall but pretend themselves wronged by Foraigne Nations as will amount to a Generall practice and profession of Pyracy, and turn *England* into a second *Argiers*, whereby all Princes and States will be provoked to make a Pyraticall Warre upon *England*; as against a Den of Thieves and Robbers, Common Enemies to Traffique and humane Society: as the Romans did under the Conduct of *Pompey*, against the Cilician, and other Asiatique Pyrats.

195. Capt. *Younge* blowing up the *Antilope* in *Helversluce*; with a Caution.

Captaine *Younge* hath blowne up with Gun-powder a Ship of the Princes, called the *Antilope*, lying at Anchor in *Helversluce*, under protection of the States of *Holland*, whereby the Chamber of *Holland* and the honour of their inland Sea is ravished from them. By this, and by some former actions of the like insolency (as the firing upon their Ships, and killing their men for not striking Sayle to them) you may see what good Neighbourhood the Dutch are like to have of their younger brother State, when they are once setled and confirmed in their yet infant Government: even the very same which the Carthaginians found after the new erected Common-wealth of *Rome* grew up to maturity; which proved so dangerous a Competitor in point of power, profit, and honour, as buried the more antient Free-State of *Carthage* in its Ruines. *Free-states (especially Aristocracies) are very quarrelsome with their Neighbours, and never want many of their Patrician most potent Families ambitious to encrease their owne power and glory by Wars:* and therefore seek occasions of quarrell with their Neighbours; such was the whole Family of the *Barchines* at *Carthage*; the *Scipios*, *Fabii*, *Camilli*, *Grassi*, *Pompeii*, *Cæsares*, and many more at *Rome*: Thus was *Greece* torne in pieces by its Free-states.

196. More Gifts to the Godly.

The Commons have bestowed St. *Crosses* Hospitall upon *Cooke* for acting the part of an Attorny Generall against the late KING. It is fit every *Iudas* should have his reward; the New Park in *Surry* bestowed upon the City in reward of their Thanksgiving Dinner, that the new-packed Court of Aldermen and Common-Councell may not want venyson to fill their Wives Bellies, nor they Browe Antlers to hang their Hatts on.

1974. Order 9. *Iune*, 1649. referring all secured and secluded Members to be examined before a Commitee.

The 9. *Iune* the Commons (about 46 in number) had passed an Order concerning their secured, secluded, and absented Members; and referred all such as had not already entred their dissent to the Vote, 5. *Decemb.* 1648. to a Committee to give such satisfaction to them as the House should approve of before the 30. of *Iune* instant, or else the House would take order for New Elections. This was to bring the said Members (300 in number at least) to the winnowing, that they might admit such as were for their turne to recrute their thin House, and expell the rest: few repaired to them; and of those very few were chosen, the Speakers Sonne, Sir *Iohn Treavor* (who hath a Monopoly of 1500l. *per annum*, out of *New-Castle* Coles; for which he was many Months kept out of the House, and at last admitted (onely to comply with the Faction) and his said Monopoly continued) Sir *Henry Haymonde*, two Sons of the Earl of *Pembroke*, were received. This was thought very unreasonable that so many Gentlemen either kept out or driven away by force should by a farre lesse number sitting and acting under the same force, be sent to attend a Committee, to stand with their Hatts off to *Holland*, *Scott*, *&c.* and be examined and expelled for giving their Votes (Yea, or No) in the House according to their Consciences. This was to subvert the Liberty of all Parliaments for the future, and to make this House) which calls it selfe *a Parliament*) a meere packed *Iunto* to carry on forelaid Designes. Besides, to expect they should approve all that the sitting Party in the House had done in the absence of these non-sitting Members, who neither heard the Debate nor Reasons whereupon they grounded their Votes against the KING, and House of Peeres, nor for the abolishing Monarchy, and turning it into a Free-state, erecting a Councell of State for that purpose, voting the Supreme Authority to be in themselves, and many other matters of the like high nature, which have no place in the Lawes of *England*; was such an imposition as neither agreed with the knowne Parliament Priviledges, Liberty of Conscience, (so loudly professed by these sanctified Members which sit) nor with humane reason and sense. And at last to sit under those Armed Guards that put a force upon them (the 6. *Decemb.*) before; promised as little of safety, unlesse they would renounce their owne Consciences and Act

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the wills of their Ianisaries and their Party; and would render them contemptible to all the world, especially to those men who put this insolency upon them.

198. Articles of Impeachment against the Speaker,

I formerly told yon how unwilling the Members were to adjourne and resign their more than Kingly Power to the Councell of State; wherefore *Cromwell* finding he could not obtaine that of them by a Vote, projected another way to work his Designe, not the old way of a violent purge by securing and secluding the Members with his Myrmidons, that is already infamous, and would savour too grosly of the Power of the Sword; and would shew *Oliver* to be rather a Quack-salving Doctor of Physick than a Doctor of the Civill Law. He caused the Councell of Officers therefore to frame certaine Articles of Impeachment against Mr. *Lenthall* their Speaker, as followeth:

Note that *Oliver*, before he left the Town, erected a Committee of Officers of the Army to prosecute and bring to punishment grand Delinquents. This is a new kind of Stat-Chamber of military Nobles, held like a Rod over the Mock Parliament, Councell of State, and the Generall, in case they shall oppose *Olivers* Designes.

1. *For releasing out of* New-gate 3 *of the Queens Priests and Iesuits by his Warrant.*

2. *For maintaining and protecting severall Spies and Agents for the late King within the Line of Communication during the late Warre.*

3. *For conveying divers remarkable Prisoners of War out of the Line of Communication unto the late King.*

4. *For assisting and protecting severall Plotters on the behalfe of the late King, to destroy the City of* London.

5. *For suffering above* 30000*l. to be conveyed to the late King out of the Line of Communication, wittingly and willingly.*

6. *For sending Horses of Warre, with Men and Armes to the late King.*

7. *For holding an intercourse of Letters with the late King.*

8. *For maintaining and keeping an Agent in the Garrison of* Oxford, *for expediting the foregoing Treacheries.*

9. *For corrupting many Members of the Parliament, some lately excluded, and some now sitting in the House to conceale and smother the foregoing Treacheries.*

10. *For endeavouring to take away the Lives of severall the Prosecutors and Witnesses unto the foregoing Treacheries.*

You see there is not one word in them of Cousening the Common-wealth, (which is now become the Private-wealth of every particular Saint) because this would have broken universally the whole communion of Saints, and would have set them all together by the eares, to defend themselves by recriminating one another: The device was, by taking off the Speaker, to Dissolve them; since they cannot by the Priviledges of the House, chuse themselves a new Speaker without the consent of a power higher then their owne, (to wit) the KING's. And though they will be so much Masters of their own Priviledges, as to coyne new every day upon emergent occasions, yet those irregularities are alwaies done under the power and protection of the Sword, which they could not expect against their owne Visier Basha *Oliver*. This trick being smelt out, was so highly resented, that it perished in the birth: onely (I heare) the Speaker bled in private 150001. towards *Olivers* expedition.

1500 150000l. Advance money for *Cromwells* expedition.

All the sinks of tyranny and oppression about the Towne, the Committee of the Revenue, Goldsmiths hall, Haberdashers hall, the Excise Office, &c. are all emptied into that Common-Sewer *Olivers* expedition into *Ireland* (or rather *Scotland*) or engaged as a security to furnish him with 150000l. part whereof onely he is accountable for; the residue is left to his discretion and conscience to buy Townes and Victories with, and to be offered upon an Altar to be erected *Deo ignoto*.

At *Olivers* request, the House admitted Sir *Edward Ford* to compound upon the Articles of *Oxon*, notwithstanding his lapse of time; *Forde* married *Ireton's* Sister, and the Lord *Culpeper's*

Sonne

Sonne married *Forde's* Daughter. Obſerve how the Generall is leſſened to advance *Cromwell*. 1. The Command of the Iriſh Forces taken from him, and *Cromwell* ſent with a Higher power than ever any went with into that Nation. 2. All Souldiers that will are enabled to leave their Regiments and Liſt under *Cromwell* ſo that the diſcontented and Levelling Party onely are left under the Command of *Fairfax*.

Col. *Martin's* Accounts brought into the Houſe, 3. *July*. 1649. his Arreares came to 25000l. and 1000l. *per ann.* Land ordered to be ſetled upon him and his Heyres. The Lord *Gray* of *Grooby's* Arrears for the laſt Summer only againſt Duke *Hamilton*, 1500l. Theſe things conſidered, I cannot wonder at the Petition preſented to the Generall by Captaine *Iubbs*, in the name of Col. *Hu-ſon's* Regiment about *July* 6. wherein (amongſt other things) they complaine; *That the Houſe doe Weekly beſtow* 1000l. per an. *upon themſelves out of the publique Treaſury of the Nation, when as the Souldiers Wants are great, and all the People are in great neceſſity.*

200. More Gifts to the Godly. *The Moderate*, from *July* 3. to *July* 10. 1649.

As if the dividing of the Army, and putting the moſt confiding men under *Cromwell*, the taking the whole Command of *Ireland* from the Generall, and conferring it upon *Cromwell*, the drawing drie all Treaſuries of Money to furniſh *Cromwell*, and leaving no Money to content the Generalls remaining part of the Army, the turning the *odium* of ſeizing and ſecluding the Members, and Murdering the KING, upon the Generall, were not ſufficient diminutions of the Generall, and augmentations of his Lieutenant Generall: The Welch Counties are ſet on work to deſire *Harry Martin* for their Commander in Chiefe; and the Weſterne Garriſons (the moſt conſiderable of *England*) are to be taken from the Generall, and put into the hands of *Cromwell* and his Party, for his retreat from *Ireland*; ſo that if all this doe not enable him to ruine the Generall, it will (at leaſt) enable him to divide the Army, and cautonize the Kingdome, and turne the Generall into the dangers and troubles of the ſtarving, forlorne, North Counties bordering upon *Scotland*. And if *Cromwell* find *Ireland* too hard a Bone for him (it is thought) he will endeavour to ſurprize the *Iſle of Man*, and from thence infeſt *Scotland* and *Ireland*.

201. Endeavors to leſſen the Generall.

202. *An Inquisition for bloud*, an ingenious piece newly come to light.

About the 18. *July*, 1649. was presented to the world an ingenious piece, entituled, [*An Iuquisition for Bloud*] to the Parliament, *in statu quo nunc.* And to the Army, *Regnante:* wherin the Author proves, *That the* KING *did not take the guilt of Bloud upon Himselfe by granting the Preambulatory Proposition in the late Treaty* in the *Isle of Wight*, in these words, (*viz:*) *That He acknowledged that the two Houses of Parliament were necessitated to undertake a Warre in their owne just and lawfull Defence, &c. And that therefore all Oathes, Declarations, or other publique Instruments against the 2 Houses of Parliament, or any for adhering to them, &c. be Declared null, suppressed and forbidden.*

1. His Majesty in yeilding to this Grant had reference to two ends: 1. To prepare the way to peace, which without this had been hopelesse. 2. To secure & indemnifie the two Houses, with all their Adherents, and rid them from those despairing feares and jealousies which made them adversaries to peace.

2. For the words of this Preamble, they were not of His penning, He was not Authour of them, but an Assentor to them: nor was He, or His Party accused or so much as mentioned in them.

3. He made this Concession *sub stricta novacula*, when the Razor was (as it were) at His throat: 1. An Army of 30000. Horse and Foot effective against Him. 2. When He was endangered and tired out with a long and close Imprisonment. 3. When many dangerous, menacing Petitions against His life, had been encouraged and entertained: so that the King may seem to have been necessitated to yeild to this Grant for His owne just and lawfull Defence.

4. His Majesty passed this Concession with these two Provisoes: 1. That it should be of no validity until the whole Treaty were intirely consummated. 2. That He might, when He pleased inlarge & cleer the truth with the reservednesse of His meaning herein by publique Declaration: Now the Treaty being powerfully carried on without Debate, or receiving any Proposition from the King, as was capitulated (and reciprocall Propositions are of the Essence of all Treaties) this Grant could never bind Him.

5. This Grant was a meer Preambulatory Proposition not of

the Essence of the Treaty. Philosophers and School-men tell us, No valid proof can be drawn out of Proems and Introductions, but out of the Body of the Text. So in the Lawes of *England*, and in all Accusations and Charges, Prefaces and Preambles are not pleadable. They are the last in penning of Lawes, least in account, nor never had the force of Lawes.

Proems to Laws are condemned by many Lawyers & Polititians. *Est nihil frigidius Lege cum Prologo, jubeat lex, non suadet.* 6.

There's not a syllable in this Preface which Repeales any former Law inflicting a Penalty upon such Subjects as beare or raise Armes against their KING: nor those Laws which (*è contrario*) exempts from punishment all Subjects adhering to the Person of the KING in any Cause or Quarrell.

Whereas the said Preface saith, the two Houses *were necessitated to make a Warre, &c.* This may relate to a necessity *à parte post*, not *à parte ante*, self-defence is the universall Law of nature, extending to all Creatures; it is, *non Scripta sed, nata Lex.* Therefore when the two Houses (or rather a schismaticall Party in them) had brought upon themselves a necessity of Self-defence, His Majesty was contented to acknowledge that necessity. If one Man assault anothar upon the High-way, and the Assailed furiously pursue the Assailant, putting him to the defensive part; the Assailant is now necessitated to fight in his owne defence, although he drew that necessity upon himself, yet is he now excusable *à posteriori*, not *à priori*. And as Civilians say of clandestine Marriages, *Quod fieri non debuit, factum valet*; for *multa fiunt quæ non nisi peracta approbantur.* 7. By raising Tumults, &c.

Lewis the 13. of *France*, had many Civill Warres with his own Subjects, amongst other Treaties to compose them, upon the Treaty of *Lodun* he was enforced to publish an Edict, approving of all that had been done by his Opposites as done for his service. The like Extenuations are not unusuall at the close of Civill Warres; and the onely use made of them was never other than to make the adverse Party more capable of pardon, to secure them against the brunt of the Lawes, to salve their credits, and pave the way for an Act of Oblivion, and restore a setled peace; Peace and Warre, like Water and Ice, being apt to beget one another, But never was use made of such Grants to ruine the King that Granted them, or His Party.

Thus having confuted that misprision, *That the King by Granting*

ting that Introductory Proposition, had taken all the Bloud upon His score: my Author having cleered his way to his farther Inquisition after Bloud, proceeds, and tells you, *Belw. Cap was the first that opened the Issue of Bloud by entering* England, *and shewing Subjects the way of representing Petitions to the King upon their Pikes points: That the Irish took their rise from him.* And whereas occasion was taken to calumniate His Majesty *for having a foreknowledge thereof* (amongst many other convincing, Arguments to cleer him) my Lord *Macguire* upon the Ladder, and another upon the Scaffold, did freely and cleerly acquit Him. And (in regard great use was made of the Irish Rebellion to imbitter the People against the King) the Authour winds up the causes there of upon one bottome. Telling you.

1. They who complied with the Scots in their first and second Insurrection.

2. They who dismissed the Irish Commissioners (sent to present some grievances to the Parliament) with a short, unpolitique harsh Answer.

3. They who tooke off *Straffords* Head (the onely Obstructor of that Rebellion) and afterwards retarded the Earle of *Leicesters* going into *Ireland*.

4. They who hindered part of the Disbanded Army of 8000. Men, raised by the Earle of *Strafford*, being Solders of Fortune, to go serve the Spaniard, as His Majesty had promised the two Spanish Ambassadours, the Marquesses of *Velada* and *Maluezzi*. which cashiered discontented men first put fire to the Tumult: They who did all this, are guilty of the Irish Rebellion, and of the Bloud of above 10000 Protestants who perished in that Warre. Adde, They who importuned the King (contrary to His judgment) to make the Irish desperate by passing an Act *to confiscate their Estates, and grant them away to such as should advance Monies upon Irish Adventures.*

Touching the Warre kindled in *England*, the Authour confesseth it was a fatall thing there should be a withdrawing of the Kings Person from the Parliament. But averreth it was a barbarous thing that the King with above foure parts in five of the Lords, and two parts in three of the Commons should be frighted away by Tumults raised by *Ven* and *Burges*, and a Designe

signe to seize the Kings Person: yet its fit it should be remembred.

1. *What reiterated Messages His Majesty sent*, offering to returne, if there might be a course taken to secure His Person, with those Peeres and Commons rioted away,

2. *That there was not the least motion towards Warre, untill* Hotham *shut the Gates of* Hull *against the King*, attended onely with some few of His household Servants; which Act of his was approved of afterwards by the House of Commons Vote, as if he had done it by their warrant.

3. *That a while after, there was an Army of* 16000. *men effective inrolled about London*, to fetch Him to His Parliament, and remove ill Counsellours, under the Earl of *Essex*, long before the King began to set up His Standard.

4. That the same Army so raised, to bring the King to His Parliament, was continued two yeares after to keep Him from His Parliament.

5. *Who interdicted Trade first, and brought in Forraigne Force to help them? and whose Commissions of Warre were near upon two yeares date before the Kings.*

6. That in all His Declarations, He alwayes protested, He waged not Warre against the Parliament, but against some Seditious Members, against whom He could not obtaine Common Iustice.

7. *That upon all good Successes, the King still courted the Parliament and City to an Accommodation.*

8. That upon the Treaty of *Vxbridge*, *The King moved, that* (*to prepare mens mindes to Peace*) *there might be freedom of Trade* from Town to Town: *Acessation of all Acts of Hostility* for the time, that the inflamation being allayed, the wound might be cured the sooner.

9. *That this present Army remember how often in their Proposalls, and Declarations they protested, That their aime was, to restore His Majesty with Honour, Freedome, and Safety*, whereunto they were formerly bound by their Protestation and Covenant; and that *the two Commanders in Chief pawn'd their Souls to Him thereupon.*

10. That to settle Peace, the King did in effect, (by His Con-

cessions) *part with His Sword, Scepter, and Crowne, and every thing that was personall to Him.*

11. With what admired Temper, Prudence, Constancy, He comported Himself in His Afflictions; and how many of His engaged Enemies became His Converts thereby, speaking Panegyricks in His praise.

12. That though there be some precedents in our Histories for Deposing Kings in point of Competition for the Crown; yet it is unexampled, That a King of *England*, of an undoubted Title, should be Summoned, Arraigned, Tryed, Condemned, and Executed at His own Door, by His own Subjects; and *by the Name of their King, to whom they had sworn Allegeance: Contrary to the Whole Current of the Law, which saith, The King can doe no wrong, The Crown takes away all defects*: Wherefore it was adjudged superfluous to take off Attainders, under which *Hen.* 7. and *Queen Elizab.* lay, because the Crown wyped off all Blots. *Rex non habet Parem in suis Dominiis nec Superiorem, satis habet Rex ad pœnam, quod Deum expectat ultorem.* If therefore *by the Lawes of the Land, all men must be Tryed by their Peeres, and the King have no Peere*, what power had these Men to Arraign their King? to be *both His engaged Enemies, Accusors, and Iudges; and to Erect an unpresidented Tribunall, without the least Foundation in Law*, with *power*, and *purpose to condemne all* that came before it; and that *Sentence of Death should passe without conviction, or Law, against the Head, and Protectour of all our Lawes, and Fountaine of Iustice and Mercy.*

13. That they who (by their own Confession) *represent but the Common People*; should assume power to cut him off, *who immediately represented God.*

203. About the same time Mr. *William Pryn* Assigned his Reasons, why he could *neither in Conscience, Law, nor Prudence, voluntarily submit to pay the Arbitrary illegall Tax of* 90000l. *a Moneth imposed upon the People, by a pretended Act of the Commons, bearing Date of* 7 Aprill 1649. *towards the maintenance of Forces to be continued in* England *and* Ireland.

M. *Pryns* excellent Book entituled, [*A legall Vindication of the Liberties of* England] Against illegal Taxes, and pretended Acts of Parliament abridged in part, but the whole commended to be seriously read by all men.

Because by the *Fundamentall Lawes*, and *known Statutes* of this Land, *No Tax, &c. ought to be Imposed, or Leavyed, but by the Will, and common Assent of the Earls, Barons, Knights, Burgesses, Commons, and Whole Realme, in a free, and full Parliament.* See *Magna Charta*, 29. 30. Stat. 25 *Edw.* 1. chap. 5, 6. 34 *Edw.* 1. *De Tallagio non concedendo*, c. 1. 21. *Edw.* 3 Rot. Parl. nu. 16. 25 *Edw.* 3. c. 8. 36 *Edw.* 3. Rot. Parl. nu. 26. 45 *Edw.* 3. Rot. Parl. nu. 42. 11 *Hen.* 4. Rot. Parl. nu. 10. 1 *Rich.* 3. c. 2. *The Petition of Right, and Resolutions of both Houses against Loanes*, 3. Car. *The Votes and Acts against Ship-money, Knighthood, Tonnage, and Poundage*, and the Star-chamber this Parliament, 17, 18. *Car.* agreed to by Mr. *William Hackwell* in his Argument against Impositions. Iudge *Hutton*, and *Crook*, in their Arguments, Mr. Saint *John in his Argument and Speech against Ship-money*, with others Arguments and Discourses upon that subject. Sir. *Edw. Cook.* in his 2 Instit. pag. 59. 60. 527, 528, 529. 532, 533. But this Assessement was not so legally imposed, *Ergo*, I, nor no man else ought to pay it. 1. *This Tax was not imposed by any Parliament; The late Parliament being actuall dissolved above two monethes before this pretended Act was passed for imposing it, by the Murder of the King.* as is resolved by the Parliament. 1 *Hen.* 4. Rot. Parl. nu. 1. 4 *Hen.* 4. and 1 *Hen.* 5. Rot. Parl. nu. 26. *Cookes* 4. Institutes, p. 46. 4. *Edw.* 4. 44. 6. *For the King being both the Beginning, End, and Foundation of Parliament*, (according to *Modus tenendi Parliamentum*, and Sir *Edw. Cook*, 4. Instit. p. 3,) which are *Summoned, and Constituted onely by his Writ, the Writ is actually abated by his Death.* 1 *Edw* 6. c. 7. *Cookes* 7. Rep. 30. 31. *Dyer* 165. 4 *Ed.* 4. 43. 44. 1 *Edw.* 5. 1. *Brook* Commission, 19. 21.

It appeares by the writs of Summons to the Lords, (*Crompt.* Iurisdiction of Courts, fol. 1. *Cookes* 4. Instit. p. 9. 10.) *and of Elections, and leavying their Wages:* That the Parliament was onely *Parliamentum nostrum*, the Parliament of the Kings thats Dead,

Quere; How a Parliament Summoned b the Writ of K *Charles* I. an

called *Parliamentum nostrum ad tractandum nobiscum super arduis negotiis regni nostri*, can b continued one and the same Parl. after the Kings death that called it? and the Monarch changed into a Common-wealth? formally it cannot be the same, the King the Head there being gone. The Lords House and Monarchy being abolished, and the State not the same materially it cannot be the same, so many of the ancient Members being thrown out, and ne ones unduly elected brought in. But there are some pragmaticall Taylors in the House, wh can make a garment fit for all states of the moon, and a Parl. fit for all changes of the State.

not of his Heires and Successours, They are all Summoned to come to *his Parliament to advise with him* (*nobiscum*, not with his Heires and Successors) of great and weighty Affaires concerning, *Nos & Regnum nostrum*, Him and his Kingdome, 5 *Edw.* 3.6. part 2, *Dors. Claus.* Regist. fol. 192. 200. So the *King being dead and his Writ, and Authority by which they were Summoned, and the end for which they were Called: Ad Tractandum ibidem nobiscum, super arduis negotiis nos & statum Regni nostri tangentibus*; being thereby absolutely determined without any hope of revivall: *The Parliament is determined thereby, especially as to those who have Dis-inherited his Heires and Successors, and Voted down Monarchy it self; and the Remnant now sitting are no longer Members of Parliament, as all Iudges, Iustices of the Peace, Sheriffs, made only by the Kings Writ or Commission*, and not by Patent, Cease, and become void by the Kings death, for this very reason, because they are constituted, *Iustitiarios & Vicecomites nostros ad pacem nostram, &c. custodiendum* The King being dead, his Writs, and Commissions expire with Him. 4 *Ed.* 4. 43, 44. *Brook*, Office and Officer 25. Commission, 19. 21. *Dyer*, 195. *Cook* 7 Rep. 30, 31. 1. *Ed.* 6. c. 7. *Daltons* Iustice of Pace, chap. 3. pag. 13. *Lambert*, pag. 71.

Object. If any object the Act of continuance of this Parliament, 17. *Car. That this present Parliament shall not be dissolved unlesse it be by Act of Parliament to be passed for that purpose.*

Answ. It is Answered, *That it is a Maxim in Law, That every Statute ought to be expounded according to the intent of those that made it, and the mischiefes it intended onely to prevent.* 4 *Edw.* 4. 12. 12 *Edw.* 4, 18. 1 *Hen.* 7. 12. 13. *Plowdens* Commis, fol. 369. *Cookes* 4. Institutes pag. 329. 330. *Now the intent of the Makers of this Act, was not to prevent the Parliaments dissolution by the Kings Death, (no wayes intimated in any Clause thereof, although it be a cleer dissolution of it to all intents, not provided for by this Act) but by any Writ, or Proclamation of the Kings by his Regall Power*, without the consent of both Houses, which I shall prove by the Arguments following.

1. *From the principall occasion of making the said Act. The* Commons in their *Remonstrance*, 15. *Decemb.* 1642. complaine, That the King had dissolved all former Parliaments against approbation of both Houses of Parliament: *Wherefore to prevent the*

the Dissolution, Prorogation, or Adjournment of this present Parl. by the Kings Regall Power, after the Scots *Army should be disbanded, and before the things mentioned in the Preamble could be effected, Was the ground and occasion of this Law:* and not any fear of Dissolving the Parliament by the Kings death, Naturall, or Violent, which is confessed by the Commons in the said Remonstrance, *Exact Collect.* pag. 5. 6. 14, 17. compared together, where they Affirme, The abrupt dissolution of this Parliament is prevented by another Bill, &c. In the Bill for continuance of this Parliament, *there seemes to be some restraint of the Royall power in Dissolving of Parliament; not to take it out of the Crown, but to suspend the execution of it for this time,* and occasion onely, which was so necessary for the Kings own Security, and the Publique Peace, that without it we could not have undertaken any of those great Charges, but must have left both Armies to disorder, and confusion, &c.

2. *The very Title of this Act* [*an Act to prevent inconveniencies which may happen by the untimely Adjourning, Proroguing, or Dissolution of this present Parliament*] *intimates as much, compared with the body of it, which provides as well against the Adjourning, or Proroguing without an Act, as against a Dissolution. Now the Parliament cannot be said to be Adjourned, or Prorogued untimely by the Kings Death* (*which never Adjourned, or Prorogued any Parliament*) *but onely by his Proclamation, Writ, or Royall Command to the Houses, or their Speaker executed during his life time,* See Parl. Rols, 6. *Edw.* 3. 2. Rot. Parl. 3. 6. 5. *Ric.* 2. n. 64, 65. 13. *Ric.* 2 nu. 14, 16, 20. 8 *Hen.* 4. nu. 2. 7. 27 *Hen.* 6. nu. 12. 28 *Hen.* 6. nu. 8, 9. 11. 29. *Hen.* 6. nu. 10. 11. 31 *Hen.* 6. nu. 22, 30, 49. and *Cookes* 4. Instit. p. 25. *Dyer* fol. 203.

3. *The Prologue of the Act implies as much, whereas great summes of Money must of necessity be speedily advanced* for relief of His Majesties Army (not his Heire or Successour) and for supplying other His Majesties (not his Heires, nor Successours) occasions, which cannot be so timely effected, as is requisite, without credit for raising the said Monies; which Credit cannot be attained untill such Obstacles be first remoued, as are occasioned by Fears and Jealousies; *That this Parliament may be Adjourned, Prorogued, or Dissolved, before Iustice shall be duly exe-*

cuted upon Delinquents (then in being, as *Strafford, Canterbury,* not since made) *Publique Grievances* (then complained of, as Star-chamber, High-commission, Ship-money, Knight-hood Money, Tonnage, and Poundage, &c.) redressed: *Peace concluded* between the two Nations, *sufficient provisions made for repayment* of the said Monies (not others since) so to be raised. *All which expressions related only to His late Majesty, as to His Acts of Royall Power, not to His Heires and Successours, after His Naturall* (*much lesse*) *Violent death*, which was not then thought on, but publickly Detested, and Protested against; no Man being so hardy as to mention it for fear of the Law, not then subdued by the Sword; And the severall Principall Scopes of this Act are fully satisfied long before the late Kings Death.

4. *It is cleer by the Body of this Act*; And be it declared, &c. That this present Parliament, &c. *Shall not be dissolved, unlesse it be by Act of Parliament to be passed for that purpose*; *nor shall at any time*, or times during this present Parliament, *be Adjourned, or Prorogued*, unlesse it be by Act of Parliament to be passed for that purpose; and that the House of Peeres shall not at any time, or times, during this present Parliament, be Adjourned, unlesse it be by themselves, or by their owne Order. And in like manner, *That the House of Commons shall not at any time*, or times be Adjourned, &c. as aforesaid. From whence it is undeniable.

1. *That this Act was onely to prevent untimely Dissolving, Proroguing, and Adjourning* of that present Parliament then Assembled, and no other, *by Acts of Royall Power.*

2. *That the King was the Principall Estate, and Member*, yea, our Soveraign Lord, the sole Declarer, and Enacter of this Law, by Assent of the Lords and Commons.

3. *That neither this Act, nor any other, for Dissolving, Proroguing, or Adjourning this Parl. could be made without the Kings Royall Assent*, which the Lords and Commons in their Remonstrance, 26. *May*, 1642. often acknowledge, together with His Negative Voice to Bills, *exact Collect.* p. 69. 70. 736. 709. 722.

4. *That it was not the Kings intent in passing this Act to shut Himself out of Parliament*, or create Members of Parliament without a King, as He professeth, Εἰκὼν Βασιλικὴ, c. 5. *Nor the Lords and Commons intent to Dis-member Him from His Parliament,*

ment, and make themselves a Parliament without Him, as their said Remonstrance testifies; and the words of the Act import, *much lesse was it their intent to pack a Parliament of 40. or 50. Commons onely, selected by Colonell* Pride, *to Vote according to the Dictates of a Councell of Warre*, after they had destroyed the King, and House of Peeres: *Against which transcendent usurpation this very Act provides, That the House of Peers shall not be so much as Adjourned, or Prorogued, but by themselves, or their own Order.*

5. *Neither did the King, Lords, and Commons, in passing this Act intend, That by Murdering the King, Abolishing the House of Lords, and expelling by power of the Sword eight parts of ten of the Commons, the remaining Faction should constitute themselves, their Heires and Successours, a Perpetuall Parliament*, which would Crosse, and Repeal the Act for a Tryenniall Parliament made on the same day in Law. *Brook*, Parliament 80. Relation 85. *Dyer* 85.

It is against the nature, and essence of a Parl. to be Perpetuall, and against the Liberty of the People.

6. *The last Clause of this Act concludes as much. And that all, and every thing, or things whatsoever done, or to be done (to wit, by the King, or His Authority) for the Adjournment, Proroguing, or Dissolving of this Parliament*, contrary to this present Act, shall be utterly voide and of none effect. *Now Death of the King, and Dissolution of this Parliament thereby cannot properly be stiled a thing done, or to be done by the King, if by those Words (things done, or to be done for the dissolving, &c.) they shall say, they related to the Kings Naturall Death;* Natural Death is the Act of God, which these Saints cannot make voide, *if they related to His violent Death, it could not then be said a thing done, or to be done for the unlawfulnesse, and injustice of it. This Act passed long before any War, or Bloud shed*; The onely pretence they have since found out for the Kings Murder.

2. If this Parliament were not Dissolved by the Kings Death, *Yet the House of Peeres (formerly Voted) downe by the Commons, gave no consent the passing this Act*, Entituled, *An Act of the House of Commons*; who, without the concurring Assent of the Lords, and the Kings Royall Assent, have no power to passe any Act, Make, or Declare any Law, or impose any Tax, as appeares by the fore-recited Acts; The *Petition of Right*, The *Act*

for

for the Triennial Parliament, and this very Act against Dissolving, Proroguing, &c. with all our Printed Statutes, Parliament Rolls, and Law-Bookes. The Commons being so farre from claiming the sole Legislative Power heretofore, as that they were not Summoned to our Ancient Parliaments, (which consisted onely of King, Lords, Tempor all and Spirituall) untill 47 *Hen.* 3. nor had they so much as a House of Commons, or Speaker, untill the Reigne of *Edw.* 3. nor never tendred any Acts, or Bills to the King, but Petitions onely of Grievances, untill long after *Rich.* 2. time. See the Printed Prologues to the Stat. 1,4.5.9,10.20.23. 36.37.50. *Edw.* 3.1 *Ric.* 2. 1.2.4. 5.7.9.11. 13 *Hen.* 4.1.2.3.4.8. 9 *Hen.* 5. 1,2,3,4,6, 8,9,10,11, 14,15.28,29,39 *Hen.* 6. 1, 4, 7, 8, 12, 17, 22 *Edw.* 4. 1 *Rich.* 3.

3. *But suppose the Commons alone had power to impose Taxes, yet it must be in a full, and free House*: whereas, when this Act for 90000l. a Moneth passed, the House was neither Full, nor Free, The Major part of the House (who by Law are the House) to wit, 8. parts of 10. at the least, being Secured, or Secluded by Col. *Pride*, and his Souldiers, by Confederacy with those 40. or 50. then sitting when this Act passed, and acting the Wills of the Councell of Officers, to the subversion of Parliaments, and the great wrong of those Counties and Burroughs for which they served.

Object. If it be objected, that by usage of Parliament, 40. *Members make a House of Commons.*

Answ. 1. I Answer, not to all intents and purposes; *Not to grant Subsidies, nor passe Lawes, or matters of greatest moment, Modus tenendi Parl. Cookes* 4. Instit. pag. 1. 2. 26. 35. 36. *Cromptons* Iurisd. of Couts, fol. 1.39 *Edw.* 3. 7. *Brook*, Parl. 27.1 *Iac.* c. 1.

2. 40, Members make not a House, when the rest are Excluded by force without Dores, and fraud of their Fellow-members within Dores, on purpose, that (being the Major number) they may not over-vote them. *The Commons not having power to expell any of their Members, without consent of King and Lords, in whom onely the Iudiciall power. Paribus in Pares non est Potestas*, Clause. *Dors.* 7 *Rich.* 2. *M.* 27. *Seldens* Title of Honour, pag. 737. Baron *Camoyes* case discharged by the Kings Writ, and Iudgement from serving amongst the Commons, because a

Peere

Peer of the Realm: The practice for Members to Expell, and Sequester their Fellow-members, being a late dangerous innovation, to pack a Factious Conventicle instead of a Parliament.

If the King should send forth no more Writs then would Summon 40. or 50. Commons, it were no House. Added by the Abridger.

So M. *Pryn* concludes; That if he should voluntarily submit to pay this Tax, by virtue of the said pretended Act of Parliament, Dated 7. *Aprill*, 1649. made by those now sitting, (some of whose Elections have been Voted void, others of them Elected by new Illegall Writs, under a new kind of Seal, since the Kings Beheading; as the Earl of *Pembroke*, and Lord *Edward Howard*, uncapable of being Knights, or Burgesses by the Common Law, because Peeres of the Realm, as was adjudged in the Lord *Camoyes* case, *Clauf. Dorf.* 7 *Rich.* 2. M. 32. and asserted by Mr. *Seldens* Titles of Honour, *Part* 2. *chap.* 5. *pag.* 735. Seconded by *Cookes* 4. Instit. *pag.* 1. 4. 5. 46. 47. 49.) As he should admit those to be lawfull Members, so he should assent to *ex post facto*, some particulars against his Knowledge, and against the Oathes of Allegeance, Supremacy, Protestation, Solemn League and Covenant, taken in the presence of God, with a sincere heart, and reall intention to performe the same; and persevere therein all the dayes of his life, without suffering himself directly, or indirectly, by whatsoever Combination, Perswasion or Terrour to be withdrawn therefrom. As for example, he should thereby acknowledge, contrary to his knowledge, and the said Oathes and Covenant.

1. That there may be, and now is, a lawfull Parliament of *England*, actually in being, and legally continuing after the Kings Death, consisting onely of a few late Members of the Commons House, without either King, Lords, or most of their fellow Members.

2. That this Parliament sitting under a force, (and so unduly Constituted, and packed by power of an Army combining with them) hath just, and lawfull Authority.

1. To *Violate* the Priviledges, Rights, Freedomes, Customes, and *alter the Constitution* of our Parliaments themselves.

2. *To Imprison, Seclude and Expell* most of their fellow

Members (the farre Major part of the Houſe) for Voting according to their Conſciencies, (in favour of Peace, and ſettlement of the Common-wealth)

3. *To Repeal* all Votes, Ordinances, and Acts of Parliament they pleaſe.

4. *To Erect new* Arbitrary Courts of Warre and Iuſtice.

5. *To Arraign, Condemne, and Execute* the King himſelf, with the Peeres, and Commons of this Realm, by a new kind of Martial Law, contrary to *Magna Charta*, The *Petition of Right*, 3. *Car.* and the known Lawes of the Land.

6. *To Diſ-inherit* the Kings Poſterity of the Crown.

7. *To extirpate* Monarchy, and the whole Houſe of Peers.

8. *To Change, and Subvert* the Ancient Government, Seales, Lawes, Writs, Legall proceedings, Courts, and Coyne of the Kingdome.

9. *To Sell, and Diſpoſe of all* the Lands, Revenues, Iewels, Goods of the Crowne, with the Lands of Deans and Chapters, (for their own advantage, not the eaſing of the People from Taxes.)

10. *To abſolve themſelves (by a Papall kind of Power) and all the Subjects of England and Ireland*, from all the Oaths and Engagements they have made to the Kings Majeſty, His Heires and Succeſſours; yea, from the very Oath of Allegeance, notwithſtanding this expreſſe Clauſe in it (fit to be laid to Heart by all Conſcientious Chriſtians) *I doe believe, and in Conſcience am reſolved, That neither the Pope, nor any Perſon whatſoever, hath power to abſolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully Miniſtred to me; and doe renounce all Pardons, and Diſpenſations to the contrary.*

11. *To diſpence with our* Proteſtation and Covenant ſo Zealouſly enjoyned by both Houſes on all ſorts of People.

12. *To diſpoſe of the* Forts, Ships, Forces, Offices, and places of Honour, Power, Truſt, or Profit, to whom they pleaſe, (to their own Party.)

13. *To Diſplace, and Remove* whom they pleaſe from their Offices, Truſts, Penſions, Callings and Franchiſes at their pleaſures, without any Legall cauſe, or Tryall.

14. *To make what New Acts, Lawes, and Reverſe what Old*

ones

ones they think meet, to ensnare, and inthrall our Consciences, Estates, Liberties, and Lives.

15. *To create new monstrous Treasons* never heard of before; *and to declare Reall Treasons against the King, Kingdome and Parliament to be no Treasons*; and Loyalty, Allegeance, due obedience to our known Lawes, and a Conscientious observing our Oathes of Allegance and Supremacy, and the Covenant, to be no lesse then High Treason: for which they may take away our Lives, and confiscate our Estates to their new Exchequer, Thereby at once repealing *Magna Charta.* c. 29. 5 *Edw.* 3. c. 6. 25 *Edw.* 3. c. 4. 28 *Edw.* 3. c. 3. 37 *Edw.* 3. c. 18. 42 *Edw.* 3. c. 3. 25 *Edw.* 3. c. 2. 11 *Rich.* 2. c. 4. 1 *Hen.* 4. c. 10. 2 *Hen.* 4. Rot. Parl. 11. n. 60. 1 *Edw.* 6. c. 12. 1. M. c. 1. *The Petition of Right* 3 Car. So much commended this Parliament, and laying all our Lawes, Liberties, Estates, and Lives waste, after they have drawne so much Bloud and Treasure from us, in defence of them.

16. *To raise, and keep up what forces by* Land and Sea they please, and *impose what Taxes they please*, and renew, increase, and perpetuate them to support their more then Regall or Parliamentary power.

17. *To pack, and shuffle themselves into a Councell of Lords, States Generall (without any provinciall States)* 40. Hogens Mogens, with Supream, Regall, and Arbitrary power, in absence of Parliaments which are Abolished by these Usurpations as well as Monarchy. This 17. is added by the Abridger.

4. The principall ends proposed in the pretend Act for imposing this 90000l. a moneths Tax, oblige all men not to pay it, *viz.* The keeping up this Army under the Lord *Fairfax.*

1. *Because this Army, by Rebelling against their Masters*, the Parliament, and waging Warre upon them: and by conspiring with their owe party of the sitting Commons, have occasioned all the Mischiefs last mentioned, to the ruine of King, Parliament, and Kingdome, Religion, Lawes, Liberty, and Property; and daily threaten an utter dissolution, both in their Deeds, and Words. Both Officers and Souldiers Boasting, *That the whole Kingdome, and all we have is theirs by Conquests; That we are but their Conquered Slaves and Vassals, and they Lords of the Kingdome, That our Lives are at their Mercy and Courtesie; That when they have*

gotten all we have from us by Taxes and Free-quarter, they will seize our Lands, and turne Vs, and our Families out of Dores: That there is no Law in England *but the Sword* (as *Hugh Peters*, the Rebels Apostle saith) *The present power must be obeyed*, (saith parasiticall *John Goodwin*) that is the power of the Sword still.

More hath been raised by Taxes these last eight years, then in all the Kings Raignes since the Conquest, and no account given.

2. *No Tax ought to be imposed but upon necessity, for good of the People*, 25 *Edw.* 1. chap. 6, *Cookes* 2. Instit. pag. 528. But the keeping up this Army is the Bane of the People.

1. Because they are already exhausted with Warre Plunder, Taxes, Free-quarter, &c.

2. Because the Souldiers have decayed Trade, and brought a Dearth upon the Land.

3. This Tax of 90000l. a Moneth destroyed Trade, by Forestalling, and Engrossing most of the Money now left in the Kingdome.

4. There is no Enemy in the Kingdome visible, nor no fear of any, if we will believe our Grandees.

5. When the King had two Armies in the Field, and many Garrisons, this whole Army consisted but of 22000. Men, and had an Established pay but of 45000l. a Moneth. See *Ordinances*. 15. *Feb.* 1644. and 6. *Aprill* 1646. *Exact Collect.* pag. 599. 876. But when the Army (by confederacy with their Party in the House) took the boldnesse to encrease their number without Order, 60000l. a Moneth was thought abundantly sufficient to pay the Army, and take off Free-quarter: and why this Tax should now be raised to 90000l. a Moneth, when sundry Regiments of it are Assigned for *Ireland*, and yet Free-quarter continued, is a mystery of Iniquity which fills the Saints Pockets with Money, and all the World with Wonder.

6. The Counties Militia (so much contended for with the King) would better defend the Kingdome from Forraign Invasions then a Mercinary Army. Therefore there is neither necessity, nor publique utility in keeping up this Army, or raising Taxes to maintaine them, or pay their pretended Arreares. The Free-quarter they have taken in kind, and leavyed in Money, will treble their Arreeres, and make them much indebted to the Country. Thus farre (and much farther) Master *Pryn*, whose

whole

whole Booke at large I commend to all mens serious perusall.

204. *Cromwell* sets sayle for *Ireland.*

The Marquesse of *Ormonds* happy atchievements in *Ireland* beginning to look formidably, had cooled the heat of *K. Olivers* courage) though not of his Liver) insomuch that he and his intimate Friends began to project how (without losse of reputation) to take him off from so desperate an Engagement, as (at that time) that seemed to be: unnecessary delaies were used in Shipping his Men. *Hasierigge* and his Party reported great terrours from *Scotland*. *Oliver* and his Bloud-hounds of the Faction made a shift to smell out a silly Plot in *Dorset-shire* for surprisall of *Weymouth* and *Portland* for the KING: now laughed at, and exploded by their owne New-books. And the tender-conscienced Brethren were prompted to apprehend their owne dangers, and put into a Petitioning posture, *That such a Worthy of* Israel, *such a chosen Instrument of Gods mercy, might not in a time of danger leave the Land of his Nativity, the Habitation of the Saints, to seeke foraigne adventures in a Heathen Land*: whilst these preparations were making to withdraw *Olivers* stake, he appeared not openly in them, but making more shew of the Lyons skin than the Foxes, had written to Col. *Jones* how heartlesse his Souldiers were, and that unlesse *Jones* did by some successfull Sally lessen their terrour, he should not be able to get them on Ship-board. This was (like the Monkey) to rake Chesse-nuts out of the fire with the Catts foot; to take a presage of his owne successe at Col. *Jones* hazard. *Jones* makes an attempt with better luck than he expected, though not with half so good successe as was reported. Saturday, 12. *August*, when the newes first came to Towne, (the Lyon is not so terrible as he is painted) it is a peculiar priviledge of the Saints to lie (without sinne, or at least, without imputation of sinne) for the good Cause, either *in Re*, or *in modo Rei*; in the matter, or manner; in the thing, or the extent thereof: yet this successe was enough to invite *Cromwell* over to pursue the Victory, and partake of the spoyles, if not to usurp the whole Honour of the Atchievement to himselfe, by his accustomed speciall prerogative. So upon the 16, or 17. of *August*, K. *Nol* set sayle towards his new Principality, carrying (contrary to the custome of the Sea) his Lanthorne in his Proawe, not in his Poope; where we will leave him for the present to his adventures.

205. The Association between *Oneale* and C. *Monke*. See the Paper at large.

I have formerly hinted to you the Agreement made between Colonel, *Monke*, in behalfe of the Parliament of *England*; and *Owen Roe Oneale*, the massacring Irish Rebell: I have now occasion to speake more at large of it, and examine the truth of a Paper, called, [*The true state of the Transactions of Col.* George Monke *with* Owen Roe Oneale, *as it was reported to the Parliament by the Councell of State, &c.*] Printed by *Edward Husbands*, 15. *August*, 1649. The said Agreement made between the Antimonarchicall Independent Party in *Ireland*, and the massacring Antimonarchicall Popish Party under *Owen Roe Oneale* (being a meer conspiracy to root out Monarchy and Protestancy: first, in *Ireland*, and then in *England*: and a second crucifying of Christ in his members between two Thieves, the Schismatique and the Papist) was so generally abhorred by the English Souldiery, that many there tooke occasion to forsake the English Parliament; and many here disbanded rather than they would accompany *Cromwell* in so wicked an expedition. Wherefore *Cromwell* writ Letters to his Creatures of the Councell of State by *Monke* himself, complainig how much the miscarriage of that Agreement had retarded his said Voyage; desiring them (for satisfaction of the Souldiery and People) to Treat with *Monke* to take the whole businesse upon himselfe, and to cleer the Councell of State, the Parliament, and *Cromwell* himselfe, from having any hand at all in it, which upon Tearmes of safety and advantage (he said) he already found him inclinable to doe. The better to carry on the scene, this Agreement was with much heat of zeale complained of in the Apocryphall House of Commons by a Brother who had his cue beforehand, and by the Iuncto was referred to the Councel of State as was forelaid, where their High and Mightinesses (after some private conference with *Monke* to accommodate the businesse) voted their dislike of it: *Bradshaw* reprehending *Monke* in jest therefore. And at last they Ordered, *That the whole businesse, with* Monks *Reasons for his Justification should be reported by* Thomas Scot *to the House of Commons:* which was accordingly done Upon Friday, 10. *August*, *Monke* was called in to the Barre, where (amongst other things) the Speaker asked him, *What Persons he meant in his Letter to the L. Lieutenant of* Ireland; wherein he saith, *He made the Agreement with* Oneale *with the advice of*

Scot having studied the Politiques in a Brewers Tally, is become a great Interpreter of our new Babel. See the said Paper, *A true state, &c.*

some

some others? *Monke* answered, *that he did it upon his owne score, without advice of any other Person; onely having discourse with Col.* Iones: Iones *told him, if he could keep* Owen Roe *and* Ormond *from joyning, it would be a good service.* This Answer (such as it is) was taken for Satisfactory in so Comick an Interlude. The next demand was, *Whether he had any advice or Directions from the Parliament, Councell of State, Lord Lieutenant of* Ireland, *or any other Person here to do the same?* which he did expresly deny, saying, *he did it upon his owne score.* Hereupon the House voted as followeth:

Resolved, &c. That this House doth utterly disapprove of the proceedings of Col. Monke *in the Treaty and Cessation* (as they please to call it) *made between him and* Owen Roe Oneale, *and that this House doth detest the thoughts of any closing with any Party of Popish Rebels there, who have had their hands in shedding English blood. Nevertheless the House being satisfied that what the said Col.* Monke *did therein, was, in his apprehension necessary for the preservation of the Parliament of* Englands *Interest: That the House is content the further consideration thereof; as to him, be laid aside, and shall not at any time hereafter be called in question,* So *exit Monke*, and the Play was done; wherein take notice of these following Observations:

1. The Armies Doctrine, and use of apprehended necessity and good intentions to justifie evill actions; approved of by this example of the Parliament (as they will be called.)

2. This Agreement (though it were at least twelve Weeks agoe publiquely knowne in *England*; and divulged in their owne Licenced Newes-bookes) was never scrupled untill now: That 1. the said Agreement was expired. 2. That *Oneale* was so beaten by the Lord *Inchiquine*, that he is (as their owne Newes-books say) inconsiderable, and must suddenly joyne with the Marquesse of *Ormond*, or be destroyed.

3. That these *Votes* call this * *Agreement* but *a Treaty* and *Cessation of Armes*; which (I affirme) to be a League Defensive and Offensive against *Ormond*, *Iuchiquine*, and all that doe and shall uphold

See *the Answer of the Councel of Officers to the Parliaments Demand, concerning their secured Members: And their Answer thereto.*

* Let me not seem over-bold in maintaining a different opinion, since Parliaments are no more infallible than Popes; and all humane opinions are equall unlesse Reason make the difference. I hope we have not lost our Reason with our Lawes and Liberties, nor the exercise and use of it.

uphold Monarchy (if not Protestancy too) for these Reasons: 1. Article second saith, *That upon all occasions both Parties be ready with their Forces to assist one another, untill a more absolute Agreement be made and condiscended unto by the Parliament of* England. This is beyond a Cessation. 2. Article third, saith, *That the Creaghts of* Ulster *residing within the Quarters of Col.* Monke, *shall pay Contribution to Generall* Owen Oneale. This is a Concession of a great latitude farre beyond the authority of any subordinate Commander or Generall, and against the Lawes and Liberties of the Land *to grant Taxes.* It should seem by this, that *Oneale* and his Army, were become Mercenaries, taken into pay by *Monke* 3. Article fourth, saith. *That if Generall* Owen Oneale *shall happen to fight against the Forces under the Command of the Marquesse of* Ormond, *the Lord* Inchiquine, *or any other Enemies of the Parliament of* England, *and thereby spend his Ammunition, if he be neer unto my Quarters, and be distressed for want of Ammunition, I shall then furnish him.* This was actually performed when my Lord *Inchiquine* Besieged *Dundalke.* I make the same interpretation of this Article that I have made of the third. 4. The fifth Article alloweth to *Oneale the use of any Harbours within Col.* Monkes *liberty*; which likewise is too much for a bare Cessation or Truce.

4. Who can believe that any subordinate Officer commissionated to prosecute a Warre against *Owen Roe* and the rest in Armes in that Kingdome, should dare to Treat and conclude an Agreement and conjunction with that very Enemy he had Commission to fight against without the knowledge and Directions (publique or private) of those from or under whom he hath his Authority; and should be so bold when he had done to come over and justifie his said doings, notwithstanding they proved unprosperous? Col. *Monke* being so much a Souldier as to know, *That* (all the world over) *to exceed the bounds of his Commission* (much more to act against his Commission, as in this case) *is assured death without mercy, both by the Law Martiall,* (without which Military Discipline will perish) *and by the Lawes of our Land.*

See the said *Letter* printed at the latter end of *a Relation of the securing and secluding of the Members by the Army.*

5. Wherefore was Sir *John Winter* and Sir *Kenelme Digby* sent for over? (as was foretold by an intercepted Letter, where

of

of I have formerly spoken) and *O Realy* the Popes Irish Agent, and another Agent from *Owen Roe O Neale* privately entertained in *England* (as I have formerly hinted) but to drive on Treaties and Associations of this nature? insomuch that long since it was whispered amongst *Cromwels* party in *England* (to uphold their Spirits) *That upon his shewing himselfe in Armes in* Ireland, Ormonds *Catholique Irish party would all forsake him and go over to* O Neale, *who maintained the Popes Interest in that Kingdome.*

The aforesaid Paper printed by Authority, and stiled, *The true State of the Transactions, &c.* besides the said *Articles of Cessation*, setteth downe other Articles, called. *Nota.*

The PROPOSITIONS of Generall *Owen O Noale*, the Lo:ds, Gentry, and Commons of the confederate Catholicks of *VLSTER.*: To the most High and most Honourable, The PARLIAMENT of *ENGLAND.*

1. INprimis. *That such as are already joyned, or shall within the space of three Months joyne with Generall* Owen O Neale, *in the service of the Parliament of* England, *in this Kingdome, as well Clergy as others, may have all Lawes and Penalties against their Religion and its Professors, taken off by Act of Parliament, and that Act to extend to the said Parties, their Heires and Successors for ever, while they Loyally serve the Parliament of* England. [*within the space of three Months*] is not in the said Copie printed at Corke.

2. *The said Generall* O Neale *desireth an Act of Oblivion to be passed, to extend to all and every of his Party, for all things done since the beginning of the Yeare,* 1641

3. *They desire that Generall* Owen O Neale *be provided with a Competent Command in the Army befitting his worth and quality.*

4. *They desire that they may enjoy all the Lands that were, or ought to be in their, or their Ancestors possession.*

5. *That all incapacity, inability, and distrust hitherto by Act of State, or otherwise, against the said Party, be taken off.*

6. *That on both sides all jealousies, hate and aversion, be laid aside: Vnity, love and amity, be renewed and practised between both Parties.*

7. *That Generall* Owen O Neale *may be restored and put in possession of his* [a] *Successors Estates, or some Estates equivalent to it in the Counties of* Tyrone, Ardmarch, *or* Londondery, *in regard of his merit, and the good service that he shall performe in the Parliament of* Englands *Service, in the preservation of their interest in this Kingdome.*

a *Ancestors*, not *Successours*: a fault of the Printers.

8. *That the Army belonging to Generall* Owen O Neale *and his Party be provided for, in all points as the rest of the Army shall be.*

9. *That the said Party be provided with, and possessed of a convenient Sea-port in the Province of* Ulster.

I doe, upon receiving a confirmation of these Propositions, forthwith undertake and promise in behalfe of my selfe, and the whole Party under my Command, faithfully and firmely adhere to the Service of the Parliament of *England* in this Kingdome, and maintaine their Interest hereafter, with the hazard of our lives and fortunes:

In witnesse whereof, I have hereunto put my Hand and Seale this 8. *day of* May, An. Dom. 1649.
Signed *Owen O Neale.*

Thus farre the said Paper, stild, [*The true State, &c.*] goes on with the Relation of the said Treaty and Agreement, but conceales what farther Transactions passed between *Monke* and *O Neale* upon the last recited Propositions; Wherefore I shall be bold to continue the Story out of a Paper, entituled, [*The Propositions of* Owen Roe O Neale *sent to Col.* Monke, *and a Cessation*

The Story of the farther Transactions between *O Neale* and *Monke* continued and enlarged out of [*the Propositions*, printed at *Corke.*

sation for three Months concluded between them. Together with a Letter thereupon sent by a Gentleman at Dundalke, *to his Friend at* Corke. *Printed at* Corke, 1649.] The last recited Propositions were sent to *Monke*, 25. day of *April*, 1649. who perused them, and made some inconsiderable alterations in them, as appears by *Monkes* Letter of Answer thereupon to *Owen O Neale*, dated from *Dundalke*, 26. *April*, 1649. as I find it in the said Paper printed at *Corke*, in these words:

SIR.

I Have received your of the 25. April, *and I have seen your Order given to Captain* Hugh Mac Patricke Mac Mahon *to Treat and Conclude a Peace with me in the behalfe of your selfe and the Forces under your Command. I have perused your Propositions, and conceiving there are some particulars in them which at first view the Parliament of* England *may scruple to graut, I have made a small alteration in some of them, being well assured, by it, you will not receive the least disadvantage, but it will rather prove a meanes to beget an increase of their good opinion towards you and your Patry: which I believe your reality, fidelity, and action in their Service will sufficiently merit, and in case you approve of them, as I have revised and altered them, I desire you to send them to me Signed and Sealed by you, that I may present them to the Parliament of* England *to obtaine their favourable Answer in returne of then. And in the meane time I desire that according to this inclosed Paper, three Months Cessation between us be condiscended unto, and inviolably kept between our Forces during the same time.*

Dundalke, 26. April, 1649.

Gorge Monke.

1. Observations upon *Monkes* Letter.

1. Col. *Monke* in his said Letter to *O Neale*, 26. *April*, answereth him: 1. *That he had perused his Proposition, and conceiving there are some Particulars which at first view the Parliament of* England *may scruple to grant, &c.* A gentle Phrase to nourish hopes in *O Neale* even of obtaining all his Demands (if need be) upon debate and deliberation; though not at first view. *That he hath made a small Alteration in some of them* (I confess very small) *being will assured he should not receive the least disadvantage by it, &c.* From whom had *Monke* this Assurance, unless from those Men by whose Authority and Directions (private or publique) he presumed to Treat with that Enemy he was Commissioned to fight with, and whose Names he doth conceale? *That it* (yeilding to *Monks* amendments *would rather prove a meanes to beget an encrease of their* (the Parliaments) *good opinion of* Owen Roe O Neale *and his Party, &c.* It should seem then the Parliament had entertained a good opinion of *O Neale* and his Party before hand; for every thing must have a being, before it can have an encrease of being. *In case you approve of them* (the amended Articles) *I desire you to send them to me Signed and Sealed by you, that I may present them to the Parliament of* England *to obtain their favourable Answer in returne of them, &c.* You see all *Monke* did was in reference to the Parliaments ratification: and therefore reason tells us the Parliament was originally privie to the Treaty: It is not likely *Monke* should Treat upon his owne head, and abruptly send the result of the Treaty to be confirmed by the Parliament without any warning foregoing to prepare them.

Observations upon the Propositions amended. See the said Paper printed at *Cork*, especially *Monkes* Letter.

O Neale sent his Letter and Propositions to *Monke*, Dated 25. *April*, 1649. *Monke* answered his Letter and corrected *O Neales* Propositions the day after, being the 26. *April*.

And the last mentioned Propositions of Gen: *Owen O Neale, the Lords, Gentry and Commons of the Confederate Catholiques of Ulster, &c.* as well as the first mentioned Articles *for* 3. *Months Cessation, &c.* beare Date 8. *May.* 1649. which I conceive to be the Date given them when they were ratified by the Parliament, or Councell of State. See the said Paper, [*The true state of the Transactions, &c.*] Then followes:

A second Copie of *Owen Roe Oneales* Propositions as they were Corrected by Col. *Monke*, and sent to *Oneale* to be subscribed: And then sent by *Monke* to the PARLIAMENT to be granted: as followeth *verbatim*. Paper printed at *Corke*.

1. INprimis. *That such as shall joyne with Generall* O Neale *in the Service of the Parliament of* England *in this Kingdome, may have Liberty of Conscience for themselves and their Issue.*

2. *The said Generall* O Neale *desireth an Act of Oblivion be passed, to extend to all and every of his Party for all things done since the beginning of the Yeare,* 1641.

3. *They desire that Generall* O Neale *be provided for a competent Command in the Army befitting his worth, place and quality.*

4. *They desire that they may enjoy all those Lands that were in their possession at the beginning of this Warre for themselves and Heyres during their fidelity to the Interest of* England.

5. *That all incapacity, inhability & distrust hitherto by Act of State, or otherwise, against the said Party, be taken off.*

6. *That on both sides all Iealousies, hate and aversion be laid aside; unity, love, and amity, renewed and practised between both Parties.*

7. *That Gen.* O Neale *may be restored and put in possession of his Ancestors Estate, or some other Estate equivalent to it, in regard of his merit, and the good Service that he shall performe in the Parliament of* Englands *Service in the preservation of their Interest in this Kingdome.*

8. *That the Army belonging to the Gen.* O Neale *and his Party be provided for in all poynts as the rest of the Army shall be.*

9. *That the said Party be provided with, and possessed of a convenient Sea-port in the Province of* Ulster.

See the Date in *The true state of Transactions, &c.* It seems to be 8. *May*, 1649.

And I doe, upon receiving a Confirmation of those Desires undertake and promise in the behalf of my selfe and the Whole Party under my Command, faithfully and firmly to adhere to the Parliament of *Englands* Service in this Kingdome, and to maintaine their Interest hereafter with the hazard of our Lives & Estates against all Opposers whatsoever.

Given under my Hand and Seale.

In the said Paper, printed at *Corke*, is also contained. [*A Letter from a Gentleman in* Dundalke, *dated* 20. May, 1649.] which take here *verbatim*; that you may see what opinion Men there (upon the place) had of that businesse

To my Worthy Friend, at *Corke* in *Munster*.

SIR,

YOu may wonder my Obligations being so great towards you, that my returnes of acknowledgment should be so seldome as they have been, bnt you must know there is no defect in my desires to be at your eares often; 'tis onely the preservation of my Liberty and Safety in these parts that makes me forberare the frequency of such intercourses. I am confident these Letters, this Messenger and the inclosed Papers, which I here send you, (containing a true Copie of the Propositions and Letters of Agreement between Owen Roe O Neale, *and Col.* George Monke) *will be able to give you some accompt of the passages in these parts, and will make you assured that I doe not forget the respects I owe unto you.*

I must confesse to you that (as you ever conceived) I never could imagine that the Parliament proceedings would have advanced to so high a degree of rage and wickednesse, as I see they are now come to, and are resolved to act by: but being amazed at the KING'S Murther, and seeing the Gangrene doth so cruelly spread, I will impart to you my resolution

resolution, That I am resolved to get into your parts with the first conveniency, and adhere to you there, whose actions are more conducing to the preservation of our Religion, Law, and Common Interest, than any where else, that I can find. But that this my so sudden resolution may not be conceived the fruit of some vaine feare, miscarriage in my self, or light desires to abandon my former principles; I shall give you a right understanding of all the motions and passages of my soule, since I was acquainted with this late Treaty between Col. Monke, *and* Owen Roe O Neale, *that thereby you may judge of the ground of these my Designes and distasts, and my resolutions taken thereupon.*

And before I consider the particulars of the Treaty, the thing it selfe is so odious unto me, that if they could have made the best bragaine to be imagined for the English Safety, the manner of it would have appeared to me very unsavory.

For although it cannot be denied that almost the whole Irish Party (in regard of their Confederacies, and Combinations) have not been innocent in all particulars of that vast Ocean of English Blood that hath been shed: yet it is most cleer that the Plotters and Contrivers of this Treason, and the unnaturall and butcherly Executioners thereof, are that Party principally, which are now Headed by Owen O Neale *: for, although many of the pale, with others of* Conaught, Leinster, *and* Munster *entertained the Design, when they saw it was so far spread, and the English so much weakned in their Persons and Possessions, yet it cannot be denied but this Kingdome had still many moderate-minded Men, that loathed their Country-mens barbarity, and could never be drawne to adhere to their Party in their least consent.*

Now for the Parliament Agents, to gather up these Men

(*and*

(and these onely) that have been drunke with the blood of their Brethren, and to fortifie them with Armes, Councels, and conjunction of Forces, that thereby they may preserve to themselves the Triumphs of their Cruelty and Treachery, and to lap them up in their affections with promises of reward, if they will persevere to act with the ruine of the KING and Monarchy, the destruction of the remnant of the English Protestants, and the antient Irish who have now declared their Loyalty; and submitted to, and consociated with them, are things that I much loathe, and can no way imbrace.

Besides, if you consider the passages of the Treaty, you will easily be drawne (I suppose) to cast away your former entertained scruples, and not condemne me for being out of love with mine.

1. *For first. The Title to* Owen Roes *Propositions excludes all other of his Nation but such as will joyne with him, though they be farre more capable of Peace and Pardon than himself, or his Party.*

2. *He and his Party who in a late Paper of theirs, stiled the Parliament of England,* Monstrosum Parliamentum, *(the monstrous Parliament) when (as then) it had not besmeared it selfe with Royall, Sacred, and Noble Blood, as since it hath done: yet now where he sees them act like himselfe, he hath taught his tongue to quaver, and calls them,* The most Honourable and potent Parliament; *when all Honour is persecuted by them, and no power exercised by them but brutish violence, and extreame tyranny.*

3. *In the second Proposition: That an Act of Oblivion be passed to extend to all and every of* Owen O Neales *Party for all things done since the Yeare,* 1641. *You shall find that* Monke *approves of it totally, without the least reserve of punishment to any them ost bloody Plotters and Murtherers*

Murtherers whatsoever that are in that Crew, *which makes me more in love with my Lord of* Ormonds *peace than I was before.*

4. *'Tis propounded by* Owen Roe; *and approved by* Monke, *That he shall have a Sea-port to himselfe, to make use of, for the perfecting of his designes, when (as we heare) the least Traffick will not be allowed to you in* Munster.

5. *Although Col.* Munke *doe a little pare his Propositions concerning the Repealing of Statutes against Roman Catholiques since* Hen. 8. *lest he should offend the People: And though he doe not absolutely undertake to grant him all his Ancestors Lands (which when he is once stiled* O Neale, *he will challenge to be the six escheated* Counties) *yet by* Monkes *Letter he is assured, that he shall not receive the least disadvantage thereby. All which directions, Councels, and assurances (I am confident) Col.* Monke *would not have used towards him, if he had not had a Parliament-foundation to warrant it.*

Thus you see these Men who lately were utter Enemies, have confederated together to ruine Monarchy and the Protestant Religion, meerly to raise themselves, and support their owne Faction. They will not here allow the KING to make use of His owne Subjects to revenge His Fathers blood, to Re-inthrone Himselfe, to re-establish Religion and the Lawes, and the just Liberties and yet they allow themselves a latitude of calling in any Party, though the most blody and inhumane, to assist them, in the carrying on their wicked Designes.

We have seen Col. Iones *his Letters, censuring the Lord of* Ormond *for joyning the Irish to his Party (though the best and least culpable of them) and yet the same* Iones *(whose head and hand is in this Treaty and Conclusion) thinks it allowable in himselfe to close with the worst, and that upon his owne terms. And though Col.* Monkes *hypocrisie (in Correcting* Owen O

Neales 7. *Article*) *will not allow that unity and amity shall be publickly proclaimed between them; yet he is willin it shall be practised, and they shall mutually assist one another against all Opposers whatsoever, that is, the* KING, *and all in Authority under Him.*

The consideration of these things hath left such an impression upon my soule, that I am resolved to make speed to you, no way desiring to live under their Commands, whose actions increase in horror, and beget new afflictions to all honest English hearts. So praying you to forbeare further writting to me, because I meane speedily to see you, I rest,

Dundalke, *May*, 20. 1649. Your assured Friend and Servant.

Upon which Propositions so corrected by *Monke*, & the close carriage of this businesse, I shall trouble my Reader with these following Observations.

1. *Article.* You see the Counterfeit, Alchymy Saints, are content to joyne covertly with Massacring, Irish Papists, to carry on their Antimonarchicall Designes: and to make a false Religion and corrupt worship of God the wages & hyre of righteousnesse.

2. *Article.* You see those Men that are so bloodily zealous to bring Protestant Delinquents (nay, the KING Himselfe, under the notion of *the Grand Delinquent, the Man of Blood*) to punishment, and pretend themselves engaged by Oath so to doe; can dispense with the Massacre of *two hundred thousand* English Protestants barbarously and inhumanely slaughtered in *Ireland* in time of full peace; and can grand an Act of

of Oblivion to whole Armies of their Murderers; thereby at once making their Antimonarchicall intereſt the price for which they ſell the innocent blood of their Brethren, and defrauding the Irish Adventuers of that Money which the Parliament perſwaded them to lay forth to purchaſe Rebells Lands in *Ireland*, for which they have an Act of this Seſſions of Parliament.

The like may be ſaid of the 4. & 7. *Articles*, whereby Rebels attainded and convict are reſtored to their confiſcated Lands, & the English Proteſtant Planters that purchaſed them of the Crowne, are expelled out of their Inheritance: what is this but a deſigne to root out Proteſtancy as well as Monarchy?

5. *Article.* Taketh off all Incapacity, Inhability, and diſtruſt from O *Neale* and his Party at that very time when with much counterfeit zeale they pretend great ſeverity againſt the English Papiſts: I think becauſe they are not ſo very Rebels as the Schiſmaticks.

3. According to their uſuall cuſtome, to accuſe other Men of their owne Crimes; they charged King CHARLES the Firſt, (upon light ſurmiſes) *with complying with the bloody Irish Papiſts*; & doe themſelves actually combine with them to root out Monarchy & Proteſtancy, giving them *a Toleration of their Religion, & the poſſeſſion of the English Proteſtants Eſtates for their Hyre.*

4. And it now appeares by Letters newly come to *London*, the 24. *Auguſt*, (notwithſtanding the ſaid Votes of the Commons *againſt all aſſociation with the Irish Murderers*) That *Sir* Charles Coote, *and* O Neale, *are aſſociated; and that the Siege from* Londonderry *was*

See *The Perfect Occurrences*, num. 138. from *Aug.* 17. to the 24. 1642.

was raised by O Neales *help* which plainly proves, that the Treaty and Conjunction was not onely between *Monke* & *O Neale*; but between *O Neale* & the Parliament, or Councel of State; and that the said Propositions so altered by *Monke* are confirmed by the Parliament, or Councel of State; and doe still serve for a foundation for *O Neale* to assist the Parliament upon, who have turned out *O Neale* at the Fore-dore (to gull the People) and taken him in againe at the Back-dore.

206. *Cromwell's* Soldiers desert him ad *Milford-haven*: and upon his complaint, his House of Commons vote their Debentures void.

Many of K. *Olivers* Officers and Souldiers, abhorring the said Association with *O Neale*, deserted him at *Milford-haven* (as I have related) & came to *London*, whither they were pursued at the heeles by a Letter from his Mushrome Majestie, directed to his Vice-Royes at *Westminster*; *willing his Parliament (that since to encourage the Souldiers to undertake the Irish expedition onely) their Accounts had been Audited, and Debentures granted for their Arreares, they should recall and null their said Debentures:* In obedience to which Command, a thing like an Act of Parliament is drawne up, and order taken that the Commissioners that attend *Cromwell* into *Ireland* should certifie the Names of them all to the Parliament, that they may be punished in purse, for not prostituting their Consciences, and shedding more innocent blood, with an implicite faith and blind obedience, to K. *Olivers* unquestionable commands, in maintenance of usurpation and lawlesse tyranny. The rest of the Army may see, by this precedent, they may as well hope to recover a damned Soule out of Hell, as their Arreares out of this bottomlesse Gulph, the New State: (notwithstanding all their faire promises

promises; Orders, weather-cock Acts, and Debentures; which are all written in wastpaper, and as changeable as Tickets & Securities for the Publique Faith.) It being their constant resolution and best policy to feed them (from time to time) with vaine hopes, & a little spending-mony (for which they are never the better) now a bit of mony, and then a bob of Martiall Law; & alwaies to promise, never to pay their Arreares; thereby to keep them together from Disbanding, and going to their owne homes and callings; whilst the Councell of Officers (who onely are accounted the rational part of the Army) receive duely their full pay, and whatsoever else they can sharke from the private Souldiers, (who are looked upon but as the Brutish part of the Army) in whom it is become a capitall Crime to question whether their Superiors deale justly with them or no? as it proved to *Lockyer*. The Common Souldiers, as well as the Common People, paying for the Ryot of their Colonels & superior Officiers (who Lord it in their guilt Coaches, rich Apparell, costly Feastings, (though some of them led Dray-horses, wore Leather-pelts, & were never able to name their owne Fathers or Mothers) I: and for the Lands they purchase too: yet the Officers have one device more to keep the Souldiers together, which is, They make them believe they are so generally hated they cannot with safety Disband and goe home; whereas it is the Superiours onely that are looked upon with hatred as the Authors of Tyranny and Oppression: The Private Souldier being esteemed but their Instruments, and such as (in their kind & way) are Sufferers under

the hand of oppression, as well as other men; many Souldiers have been purged out of the Army; others have voluntarily quitted the Army and returned to their callings, without being endangered or injured after their retirement, which shewes this objection is but a Scarcrow.

207. A League Defensive & Offensive, concluded betweene *O Neale* & Sir *Charles Coote* Governour of *Connaught* for the Parliament: See the last Section save one.

For the cleare manifestation of the Association betweene *O Neale* and the Parliament, there are lately come to the Councell of State two Letters out of *Connaught* from Sir *Charls Coote*; one Dated the 14. the other the 15. of *August*, 1649. informing them with how much zeale to the Parliaments interest *Own O Neale* had freely raised the Siege of *London-Derry*. Upon which Letters, and the Votes and proceedings of Col. *Pride's* Parliament thereupon, I shall commend to my Readers observation these following particulars:

1. The 15. *August*, Letters informe, *that* O Neale *freely offered his assistance to* Coote, *professing much affection to the Parliament of* England, *and an earnest desire to maintaine their Interest, &c.* (which is, his owne interest) you may remember that this bloody Rebell *O Neale* heretofore (when the Parliament was not halfe so corrupt as now) stiled it, *Monstrosum Parliamentum*, the Parliament of Monsters: but now that he sees them act his way, and concurre with him to destroy Monarchy and Protestancy, he stiles them, *The Honourable Parliament*; aids, and affects them.

2. The 14. *August*, Sir *Charles Coote* informes, *that he hath found* O Neale *and his Army very punctuall and faithfull in all their Promises and Engagements and he makes no*

doubt

doubt but they will continue so unto the end, &c. The reason is, because they ayme all at one end & interest: Subversion of Monarchy & Protestancy, & goe one way to effect it, by a Conjunction of Forces and Councels.

3. The 15. *August, that* O Neale *in his Expresse to* Coote *enclosed some Letters he had received from* Monke; *and amongst the rest, a Copie of a Letter from* Monke *in Answer to a Letter of the Lord* Inchiquine *charging* Monke *with joyning with* O Neale *and his Party; wherein* Monke *insinuated, as if* O Neal's *submission to use the the Parliament Power, were already accepted by them, &c.* *Monke* needed non insinuate it, but might have spoken it plainly: as he hath done to sundry of his Friends in *England*, who reprehended him for joyning with *O Neale*, to whom he Answered, *that he had the Authority of his Superiours to warrant his doings therein*: But this was before he went to *Milford-haven* to *Cromwell*, who then taught him the art of Cromwellizing to carry on their designe.

4. The 15. *August*, *Coote's* Letter (to justifie his doings) delivers a piece of Doctrine to the Councell of State; the Use whereof they were very perfect in before, *viz. Calling to minde that it is no new thing, for the most wise God, to make use of wicked Instruments, to bring about a good Designe, for the advancement of his glory, &c.* This Casuist in Buffe had forgotten, That we must not doe evill that good may come thereof; and that both the just and the unjust, the righteous and the unrighteous man being al of Gods Creation and making, he hath the same prerogative over them all *jure creationis*, that a Potter hath over his Pots,

Why did they crie out upon King *Charls* I. upon a surmise that He used the help of the more innocent Irish Papists, being His own Subjects under his Allegiance & Protection? but we find the Godly are above all Laws.

Pots, he may use them, and doe with them what seemeth best to his most holy will: and it is therefore good, holy, just, because he willeth it. His Divine pleasure being the rule and standard of goodnesse, holinesse, justice. Mistake me not; I doe not meane his bare providence, or permissive will, which no man can take notice of, and Traytors, Tyrants, Thieves, and Reprobate Saints execute, and boast of to their owne assured damnation. Therefore Gods employing wicked Instruments can be no president for our Alchimy Saints to doe the like; unlesse *Cromwells* * three Iuntoes and faction, will usurp Gods prerogative, as they have done the Kings.

* Councell of Officiers, of State, and Parliament.

5. The 15. *August*, the Letter saith, *that* Coote *called a Counсell of Warre, who resolved, It was better to accept of the assistance of those who proclaimed themselves Friends to us, and the Interest we fight for, &c.* Here you see *O Neale's* bloody Party & those Parliament Champions united, and friendly conspiring to uphold one Common Interest, which can be nothing but the downfall of Monarchy and Protestancy.

6. The 15. *August*, the Letter further saith, *that we* (Coote and his Councell of Warre) *added to the Articles this wary Proviso, not to use their assistance longer then the approbation of the State of* England *should go a long with us therein, &c.* It should seem by this warinesse, that for the time they had used their help, (which was ever since the 22. of *May* last) the approbation of the said State (as they call it) hath gone along therewith. And for the time they meane to use their assistance hereafter, it is left indefinite; (no longer then the approbation of the State shall goe along with us therein)

therein) which may happily be untill Domes-day: notwithstanding the Order, Dated the 24. *August*, 1649. voting, *That their Vote of the* 10. August, *in the Case of Col.* Monke, *be communicated to Sir* Ch: Coote, *as the Resolution of the House, &c.* For, who knowes whether the Copies of that Vote may miscarry, or be stayed by the way either accidentally or purposely.

7. The 14. *August*, the Letter saith, O Neale *was pleased to communicate to him certaine Propositions, which* (he saith) *were long since transmitted into* England *to the Parliament, by* C. Monke, *and though for his owne part and the prime Officers with him,* (these are privie to the secret carriage of the businesse, and therefore may well be satisfied with what is done already) *they do not doubt but the Propositions are already yeilded to by the State; yet in regard their Army and Party in all other parts of the Kingdome* (these are ignorant of the juggle, and causes thereof) *cannot be satisfied therewith, untill the Parliament be pleased to declare themselves more publiquely therein* (it should seem they have done it privately already for satisfaction of O *Neale* and his said prime Officers) *he hath therefore desired me humbly to intreat your Lordships to declare your Resolution therein, with as much speed as may be.* Here yon see O *Neale* and his prime Officers (who know the juggle) satisfied already with a private confirmation of the Articles. But to satisfie the rest of his Army and Party (to whom this mystery is not yet revealed a publique Declaration thereof is desired, *that they may Vnanimously and cheerfully endeavour the preservation of the Parliaments Interest.*

See *Monke's* Letter of Answer to *Oneale*, Dated 26. *April*, 1649. from *Dondalke*, contained in the last foregoing Section but one: See the said Paper, entituled, *The Propositions* of Owen Roe O Neale, *sent to* C. Monk, &c.] printed at *Corke* 1649.

The Articles of Agreement between O *Neale* and *Coote* conclude clearly a League or Warre Offensive

and Defensive against the Enemies of both or either, untill a more absolute Agreement be made and condiscended unto by the Parliament of *England*. This more absolute Agreement is now in agitation, and private Directions sent to *Coote* how to behave himselfe in the Transaction thereof: See the 1. Vote, *die veneris*, 24. *August*, 1649. See the Relation of the Transactions between Sir *Charles Coote* and *Own Roe O Neale*, printed by Order, 28. *Aug.* 1649.

The Votes upon these Letters and Articles were two: Upon part, in the first Vote I have observed something already in the 6. branch of this Section, (*viz.*) *that their Votes of the* 10. Aug. *in Case of Col.* Monke *be communicated to* Coote; *and a Direction for him how to behave himselfe in the Transaction between him and* Own Roe O Neale; this Transaction is called in the Articles (*ut supra*) *a more absolute Agreement.* These Letters, Articles, and Votes being Apologetically published for satisfaction of the Souldiery and People; it had been fit to have communicated the said Directions also to their Trustors and Soveraigne Lords the People, that they might have seen faire play above board, and not to have sent clandestine Directions to *Coote* (in so suspitious a busines) how to behave himself in the Transaction with *O Neale*; which implies the said Transaction shal be continued and may be compleated; the rather for that their second Vote saith, *The House is well satisfied of the diligence, faithfulnesse, and integrity of* Sir Charles Coote *in preserving the Garrison of* London Derry: now it was preserved by his said Conjunction with *O Neale*, who raised the Siege.

About

About this time came forth a Booke, called, [*The Levellors vindicated: or, The Case of the* 12. *Troops which (by Treachery in a Treaty) were lately surprized at* Burford: *Subscribed by Six Officers in the name of many more.*] Wherein (p. 2.) they say, *That under colour of the Armies solemne Engagement at* New-market *and* Triplo-heath, Iune 5. 1647. *and many other their Declarations, Promises, and Protestations in pursuance thereof,* (which Engagement they affirme (against their Preaching Coronet *Denne*) was never retracted by any Generall Councell of the Army, nor upon any Petition of the Souldiers, nor their Agitators ever by them recalled or dismissed) *The whole fabrik of this Common-wealth is fallen into the grossest and vilest Tyranny that ever English-men groaned under, all their Laws, Rights, Lives, Liberties and Proporties wholly subdued to the boundlesse wills of some deceitfull Persons, having devolved the whole Magistracy of* England *into their Martiall Domination, &c.* 208. The Levellors vindicated: or, The Case of the twelve Troops, &c.

Pag. 7. They say, *That the Souldiers Paper-Debentures are good for nothing but to sell to Parliament-men for 3. or 4. in the pound.* (which they are forced to sell them for to keep them from starving, becaufe they will not pay one penny Arreares to such as they put out of the Army any other waies) that [so they may rob the Souldiers of their Seven yeares Service, and make themselves and their Adherents Purchasers of the Kings Lands, for little or nothing: and (for ought appeares) the Money they buy these Debentures with, is the Money the Nation can have no Account of. That they have dealt as basely with other Souldiers who never resisted their Commands. 1. They turned them off with onely two months pay. 2. They

have taken away three parts of their Arreares for Free-quater, without satisfaction to the Country. And at last force them to sell their Debentures at the aforesaid rates, that those Souldiers that are continued in Armes shall fare no better, when they have served their turnes, with them.

Pag. 10 they say, *Their engagements against the King was not out of any Personall enmity, but simply against his Oppressions and Tyranny on the People; but the use and advantage on all the successe God hath been pleased to give us, is perverted to that end, That by His removall the Ruling Sword men might intrude into His Throne, set up a Martiall Monarchy, more cruell, arbitrary, and tyrannicall, than* England *ever tasted of; & that under the notion of a Free-State, when as the People had no share at all in the constitution thereof, but by the treachery and falsnesse of the Lieutenant Generall* Cromwell, *and his Son-in-Law* Ireton, *with their Faction, was inforced and obtruded by meer Conquest on the People.* And a little after, *now rather then to be thus vassallized, thus trampled and trod under foot by such as over our backs have stepped into the Chaire of this hatefull Kingship over us, in despight of the consent, choice, and allowance of the Free-People of this Land (the true fountaine and originall of all just Power* (as their owne Votes against Kingly Government confesse) *we will chuse subjection to the* PRINCE, *chusing rather ten thousand times to be His Slaves than theirs, &c.*

Pag. 11. They Vote and Declare, *The People the Supreme Power, the Originall of all just Authority, pretend the promotion of the Agreement of the People; stile this, The first yeare of* Englands *Freedome; entitle the Government, A Free State; and yet none more bloody, violent, and perverse Enemies thereto: for, not under paines of death and confiscation of Lands*

and

and Goods, may any man challenge or promote those Rights of the Nation, so lately pretended by themselves. Nothing but their boundlesse, lawlesse wills, their naked Swords, *Armies, Armes is now Law in* England, *&c.*

209. Col. *Morrice* Governour of *Pontefract* for the King, Endicted at the Assizes at *York*, condemned, and executed.

16. *August*, 1649. Col. *Morrcie* (who kept *Pontefract-Castle* for the KING) was Endicted before Iudge *Thorpe* and *Pulleston* at *Yorke* Assizes upon the Stat. 25. *Edw.* 3. *for leavying Warre against the late King and Parliament*, The Colonel challenged one *Brooke* (Fore-man of the Iury) for being his professed Enemy; but the Court (knowing *Brooke* to be the principall Verbe, the Key of their worke) answered *Morrice*, He spake too late, *Brooke* was sworne already. *Brooke* being asked the Question, Whether he were sworne or no? replied, He had not yet kissed the Booke. The Court answered, It was no matter, that was but a Ceremony: alleaging, he was recorded Sworne, there was no speaking against a Record: Sure they made great haste to record him sworne before he could kisse the Booke: so *Brooke* was kept in upon this cavill; by whose obstinacy, *Morrice* was condemned. I cannot wonder that legall Formes & Ceremonies are laid by (although justice cannot subsist without those Legalities to ascertaine her proceedings, which otherwaies would be left at large to the discretion of the Iudge) when I see our knowne Lawes, *Magna Charta*, *the Petition of Right*, 3. *Carol.* and the rest, with the fundamentall Government of this Nation, pulled up by the roots to carry on their Designes of enslaving the People to their lusts, notwithstanding the Parliaments Declarations, Remonstrances, Protestations, Covenants, & Oathes to the

contrary: and their late Vote in the Act for Abolishing Kingly Government. That in all things concerning the Lives, Liberties, Properties and Estates of the People they would observe the knowne Lawes of the Land. But to returne to our Relation: Then *Morrice* challenged 16. more of the Iury; whereat *Pulleston* was so pettish, that he bade *Morrice* keep his compasse, or else he would give him such a blow as should strike off his head. Untill *Morrice* cited the *Stat.* 14, *Hen.* 7. *fol.* 19. whereby he might challenge 35. men without shewing cause: Here you see the Iudges (which ought to be of Councell with the Prisoner in matter of Law) endeavouring to out-face and blind the Prisoner with ignorance of the Law, being a Martiall Man. Then he desired a Copie of his *Endictment*, that he might know what to answer; saying, he might plead Speciall as well as Generall; which the Court denied him. Next, because there was point of Law in it, he desired to have Councell, citing the *Stat.* 1. *Hen.* 7. *fol.* 23. which was likewise denied him; yet (I am deceived, if *Rolfe* had not Councell allowed him, being endicted at *Winchester* for *an endeavour to Murder* KING *CHARLES the First*, and had many other favours denyed to *Morrice.*) Then Col. *Morrice* for his discharge produced the PRINCE's Commission as *Generalissimo* to the KING his Father. The Iudges answered, The Prince was but a Subject as *Morrice* was, and if He were present must be tried as he was; and rejected the Commission without reading: *Morrice* told them, the Prince had His Authority from the King, in whose name all Iudges & Officers did then Act. The Court Answered,

the

the power was not in the King, but the Kingdome. Observe, they endicted him for Leavying Warre against the King and Parliament. The word [*Parliament*] was a surplusage; for which no Indictment could lie: no Allegiance, no Treason; and we owe Allegiance to the King alone; whosoever Leavyeth Warre in *England* (in the intendment of the Law) is said to Leavy Warre against the King onely: although he ayme not at His Person, but at some other Person: And if he that Leavyeth Warre against the King, His Crowne, & Dignity, be a Traitour; how much more must they be Traitours that have actually Murdered the King, and Dis-inherited and proscribed his lawfull and undoubted Heire; and (as much as in them lies) have subverted the Monarchicall Government of the Land, and consequently, all Monarchicall Lawes; whereof the *Stat.* of *Treasons* for Leavying Warre against the Kings Majesty is one; and therefore *Morrice* under a Free-State ought not to be condemned or tried upon any Monarchicall Law. So *Morrice* was found guilty by a Iury for that purpose. And an illegall president begun to cut off whom the Faction pleaseth, under a pretence & ~~forme of Law~~, without help of a Councell of Warre, or a private Slaughter-house, or a Midnight-Coach guarded with Souldiers to *Tyborne*. These Usurpers have got the old tyrannicall trick, *To rule the People by the Lawes, but first to over-rule the Lawes by their Lawyers*; and therefore, *Vt rei innocentes pereant, fiunt nocentes judices*; that true men may goe to the gallowes, Thieves must sit on the bench; but, *silent Leges inter arma*; and now, *silet Iustitia inter Leges, silet Ius inter Iudices*: the mungrell, hypocri-

Three-headed, consisting of, 1. Councell of Warre. 2. Councell of State. 3. Parliament.

pocriticall, three-headed conquest we live under hath dispoiled justice of her ballance, and left her in a Military posture, with a Sword to strike; but no scales to weigh withall: Our licenced News-Books (like Ill-Boading-Birds) fore-told and fore-judged *Morrice's* death a Month before, *He died resolutely.* Observe the thing aimed at in this new forme of Endictment of High Treason, for leavying warre against the King and Parliament, is, first that the word [*King*] may hold in the Edictment, which otherwise would be found to have errour in it; and though the word [*for Leavying Warre against the Parliament*] be a vaine surplusage, signifying nothing; yet at last (by help of their owne Iudges, & new-made presidents) to leavy warre against the Parliament, shall stand alone, be the onely Significator, and take up the whole roome in the Edictment, and thrust the word [*King*] out of dores and then *Treason* shall be as frequent as *Malignancy* is now. *Morrice* had moved, he might be *Tryed* like a Soldier by a Councell of Warre, alleaging the inconvenience of such a president if the Kings Party should retaliate it, which would not be granted; yet Col. *Bethel* writ to the Generall and his Councell of Warre, desiring he might be reprieved: but Col. *Pride* opposed it; urging, *That it would not stand with the justice of the Army,* (you see now who is the fountaine of Iustice) *nor the safety of the Common-wealth, to let such Enemies live, the Parliament having adjudged him worthy of death,* (without hearing) *and given instructions to the Iudges accordingly.* (O serviceable Iudges!) so the Generall was overborne by this Dray-man. This fellow sitteth frequently at the Sessions-house in the *Old Bayly,*

Bayly, where the weight of his Slings turneth the scale of Iustice which way he pleaseth.

210. Capt. *Plunkett* and the Marquesse of *Ormonds* Brother voted to be Tryed.

Col. *Prides's* Dray-horses, the Commons in Parliament assembled, not yet satisfied with Blood, because they are out of danger of bleeding themselves; have Voted that Capt. *Plunkett* and the Marquesse of of *Ormond's* Brother (Prisoners in *Ireland*) shall be brought to *Tryall*. If the King's Party (in imitation of their Cruelty) shall put to death the Prisoners they have taken, the Parliament will save their Arreares for their owne privy purse; *These two cases, are examples of the greatest danger, and the highest contempt of Souldiers that ever were set on foot in any Age or Nation.*

211. An Out crie of the young Men and Apprentises *London* concurring with those fasly called, Levellors.

29. *August*, 1649. came forth a Booke, called, ¶ *An outcrie of the young Men and Apprentises of* London: *Or, An Inquisition after the lost fundamentall Lawes and Liberties of* England.] truly & Pathetically setting forth the slavery, misery, & danger of the Common Souldiery & People of this Nation, and the causes thereof: well worth the reading.

212. Excise.

About this time came forth an Act (for sooth) for the speedy raising and leavying money upon the Excise: that is (as the Act telleth you) upon all and every Commodities, Merchandizes, Manufactures, as well imported or exported as made or growing, and put to sale or consumed, &c. That is, to lay impositions upon all we eate, drinke, weare or use, as well in private houses as victualling houses, ware-houses, cellars, shops, &c. as well what the Souldier devoures in Free-quarter upon us, as otherwise, under unheard-of penalties both pecuniary and personall to be paid; and leavied with rigor. And to make every

mans house lie open to be searched by every prowling Rascall as often as he or they please.

213. Foraigne Plantations.

The Traytors, *Tyrants*, and *Thieves*, the Commons in Colonel *Prides* Parliament assembled, are now againe frighted into a consideration of Foraigne Plantations: And passing Acts, *That they shall all be subject to the new* Babel, *or State of* England: for which purpose they are very busie to undermine, devide, and subject the old and first Planters, that (if need be) these reprobate Saints may come in upon their labors, & the better to accommodate themselves there. In the Act for sale of the Kings, Queens, and Princes personall Estate, they have given leave to their Agents the Commissioners to transport beyond sea (that is to say, to their owne Plantations) (under pretence of sale) the rarest and choicest of the Kings Gods; they heap up abundance of wealth by Excise, Taxes, Goldsmiths-hall, Haberdashers-hall, Sequestrations, cousening the Souldiers, &c. That they may transport the whole wealth of the Land with them, and leave *England* naked, disarmed and oppressed with famine, and disabled to pursue them for revenge, or recovery of their losses.

214. More Guifts to the Faction.

The said Commons are never wearied with exercising their bounty amongst their owne Faction out of the publique purse, about 1300l. to Col. *Fielder*: to *Scobell* their Clerke (heretofore a poore under-Clerke in the Chauncery, who writ for 2d. a sheet) besides an employment he hath already in the sale of publique Lands worth 1000l. a yeare) a Pension of 500l. a yeare; and a Noble, Fee for every Copie of an Order taken forth, *toties quoties*; although most of

their

their Orders containe not above three or four lines; an extortion farre surmounting the Starre Chamber, or Councell Table, of which themselves so much complained: the *Diurnall* tells you, *an Act was read for satisfying the sufferings of two Members, who have been in the late Warre damnified many thousands*: these (I conceive) to be Sir *Tho: Iervys* and Mr. *Robert Wallope*; this satisfaction must be made out of the publique purse, which must be filled by *Taxes* againe out of their private purses who have lost as well as they without satisfaction, or hopes of satisfaction, notwithstanding many Votes that all should be satisfied.

Numb. 319. from Monday, *Sept.* 3. to Monday, *Sept.* 10.

215. *O Cromwell* reduceth *Iones* own Regiment and other Regiments in *Dublin*. Let Sir *C. Coote* and his Regiment in *London-derry* expect the like.

O Cromwell hath reduced the Officers in Col. *Jones* his Regiment, and other *Dublin* Regiments, notwithstanding their valour & fidelity shewne in raising the Siege of *Dublin*: you see he will trust none but his owne immediate Creatures: this Faction casts out all other men, as Quicksilver spues out all other mettals (Gold excepted) so that by this, and many other examples, they may see that all their faithfull services and bloodshed are poured into the bottomlesse tub of oblivion; as their Arreares are cast into the bottomlesse bagge of the Publique faith.

216. A violent irruption of the Parl: Ianisaries upon the Protestants at Church in St. *Peters Pauls-wharfe*, Sunday morne, 9. *Sept.* 1649.

Sunday 9. *Sept.* 1649. At the Church of Saint *Peters Pauls-wharfe*, Master *Williams* reading Morning Service out of the Booke of Common-prayer, and having, prayed for the KING, as in that Liturgy (established by Act of Parliament) he is enjoyned: Six Souldiers from Saint *Pauls* Church (where they quarter) came with Swords and Pistols cocked into the Church, commanding him to come downe out of the Pulpit; which *Williams* immediately did, & went

quietly with them into the Vestry: when presently a party of Horse from Saint *Pauls* rode into the said Church with Swords drawne and Pistols spanned, crying out, *Knock the Rogues on the Head, shoot them, kill them*; and presently shot at randome at the crowd of unarmed Men, Women, and Children, shot an old Woman into the head, wounded grievously above forty more, whereof many are likely to die, frighted Women with Child, and rifled and plundred away their cloaks, hats, and other spoiles of the Ægyptians, and carried away the Minister to *White-hall* Prisoner. You see these Hereticks Schismaticks, and Atheists that crie so loudly upon *Liberty of Conscience* for their owne Blasphemies, will allow no Liberty of Conscience to Protestants, notwithstanding their Doctrine and form of Service is antient, allowed, and commanded by known Lawes, and approved of by all the Reformed Churches of Christendome. This strongly argues a Designe in the three Kinghdomes to root out Protestancy, as well as Monarchy, carried on by a conjunction of Councels and Forces between that triumvirate of Rebells, *O Neale, O Cromwell,* and (as many wise men thinke) *Argyle*: who would not otherwise keep the Scots from complying with the KING upon modest and moderate termes, such as shall leave him in the condition of a Governing King, able to protect His People from injuries at home and abroad, without which, He is but——*magni nominis umbra*, the shadow and May-game of a King.

This Mutiny was not begun by Levellors.

Observe, this provocation was put upon the City when an artificiall Mutiny was raised at *Oxford*; and against the Great Horse-race appointed to be at *Brackly*,

Brackley, the 11. *September*, to draw both City and Country to joyne with the Mutineers: and then the Souldiers should have made their peace by themselves, and have left the rest to the mercy of the State to raise more money upon them for *O Cromwells* expedition in *Ireland*, who hath writ for more recruits of Men and Money.

217. *O Cromwell's* Men sick in *Ireland*.

Those bloody Saints that accompanied *O Cromwell* into *Ireland* (to make that Kingdome as miserable & slavish as they have made this) doe now poure forth the blood of their owne bowels in great abundance: Gods vengeance having visited most of them with the Bloody flux; whereof many die: But this is a secret that must not be knowne to the Ungodly, and therefore *O Cromwell* and his Councell of Warre at *Dublin* have made an Order, Declaring, *That if any Person residing within the Garrison of* Dublin, *whether Inhabitants or Soldiers, shall (upon pretence of writing to their Freinds) signifie the Transactions of the Army* (between *O Neale*, and *O Cromwell*, it may be) *or their Engagements with the Enemy, so as to set forth their Successe, or Losse, untill first the Generall or Councell of Warre have signified* (falsified) *the same to his* Parliament *of* England, *they shall incurre the breach of the Article against Spies, and be accordingly punished with Death, &c.* Here you see *O Cromwell*, in the first Yeare; nay in the first Month of his reigne, sets up a military tyranny in *Ireland*, to which all People, as wel not Souldiers as Souldiers must submit their lives & fortunes; & the writing of news to their Friends in *England* (whereby their Lies & Forgeries may chance to be cõtradicted) shall be construed to be a Breach of the Article against Spies: not because Reason & Truth, or

the Customes of Warre calls it so, but because the Sword puts this construction upon it. Take notice *Ireland* that this is the first yeare of thy Bondage if they prevaile. And take notice *England* that *O Cromwell* and his Councell and Party are resolved to Lie without controule if they prevaile not; their Letters speake him to be 15000. strong before *Tredah*, which hath Articled to yeild: That the next he will vouchsafe is *Dundalke*. and that *Ormond* flies from the face of this *Josua*; and Lying Prophets are sent over to gull the People into a beliefe. But the truth is, he is not able to draw together above 4000. or 5000. men; unlesse his Confederate *O Neale* joyne with him: And *Ormond* hath wit enough to know that sickenesse and famine in that wasted Country, are sufficient to deale with *O. Cromwell* without his running the hazard of an engagement with such desperate forlorne Wretches.

218. Vnreasonable Fees extorded by *Birckhead* by Dures of Imprisonment; with the connivance of the Commons.

Col. *Bromfield*, *Hooker*, *Cox*, and *Baynes*, Citizens, who the last yeare were committed upon suspition of High-Treason (to which every offence against this new *Babel-state* is now wrested (notwithstanding the *Stat. 25. Edw. 3.* for limitation of Treasons) as in an infectious season all diseases turne to the plague) and were then discharged for want of matter to make good the charge: are now againe imprisoned (in the first yeare of *Englands* Liberty) at the request of *Birkhead* (Sergeant at Armes to the Commons) untill they pay such unreasonable Fees as he pleases to exact from them: This had been great Extortion and Tyranny in the KING's time, when this Nation enjoyed so much freedome as to call a Spade, a Spade; an Extortioner, an Extortioner; & a Tyrant, a Tyrant. And reason good: for if such Fees be legally

gally due, *Birkhead* hath Legall meanes to recover them: if not Legally due, it is Extortion in him to demand them in so violent a way; and Tyranny in his Masters the Commons to maintaine him in it.

219. Sir *Har. Mildmay's* Politicke Observations: Chaste Conversation: and first initation at Court.

Sir *Henry Mildmay* lately comming to the Tower, and perceiving the Countesse of *Carlisles* window had some prospect to Col. *Lylbornes* grates, (out of his parasitical diligence) told the Lieutenant of the Tower, *That notwithstanding the distance was such as they could not communicate by speech, yet they might signifie their intentions, by signes upon their fingers, to the prejudice of the tender, infant State:* and accompanying this admonition with some grave and politick Nods, hasted away to the Councell of State, and (being both out of breath and sense) unloaded himself of his Observations there: and was seconded by *Tho: Scot* (the Demolisher of old Palaces, and Deflowrer of young Maydenheads, before they are ripe) who much aggravated the danger, and applauded the Observator. Sure Sir *Henry* hath not yet forgot the bawdy Language of the hand and fingers; since he first, in Court began, to be Ambassadour of Love, Procuror, Pimp or Pandor to the Duke of *Buckingham*; and laboured to betray the honour of a faire Lady (his neareſt Ally) to his Lust, had not she been as Virtuous as he is Vitious, (if it be possible for any Woman to be so) and did actually betray others to him. I can tell you that very lately Sir *Harry* (pretending himself taken with the Windcollick) got an opportunity to insinuate himself into a Citizens house in *Cheapside*, and tempted his Wife; but had a shamefull repulse: but more of this I will not speake, lest his Wife beat him, and give an ill example to other Women, to the prejudice of our other

other New States-men, & their New erected *Sodomes* and *Spintries* at the Mulbury-garden at Saint *Jame's*.

220. Felons fetched out of *Newgate* to informe against Merchants for not paying Customes.

Master *Gybs* (Master of a Ship) having caused three Fellowes to be committed to *New-gate* upon Felony, for Robbing him: These Fellowes sent to Col. *Harvey*, *That if he would procure their Liberty, they would discover to him severall Merchants who had lately stolne Customes:* Whereupon, *Harvey* sends for those Rogues out of *New-gate* heares their Accusation, approves it, prosecutes the Merchants upon the Information of those Villaines, discharges them of their Imprisonment by his own power, and recommends them to Col. *Deane* to be employed in the Navie. And one Master *Lovell*, a Silk-man in Saint *Lawrence-lane*, is committed to the *Gate-house* Prisoner, because he refuseth to Sweare how many Bayles of Silke he hath come over: if the First yeare of our Liberty make such presidents, what Monsters will the Sixt and Seventh yeare produce? All Princes begin with moderation; the Elders gave good Counsell to *Rehoboam*, *Serve the People one day, and they will serve thee for ever hereafter.* *Nero* had a commendable *Quinquennium*; but our Novice Statists are Tyrants *ab incunabilis*; Oppressors with shells upon their heads, from the Nest, before they are fledged; what will they be hereafter?

221. *Sommer-hill* given to *Bradshaw*. A sop for *Cerberus*.

Sommer-hill: a pleasant Seat, worth 1000l. a yeare, belonging to the Earle of Saint *Albans*, is given by the Iunto to their Bloud-hound *Bradshaw*, so he hath warned the Countesse of *Leicester*, (who formerly had it in possession to raise a Debt of 3000l. pretended due to her from the said Earle; which she hath already raised fower-fold) to quit the possession against our *Lady-day* next.

THE END.

THE HIGH COVRT OF JUSTICE.

OR CROMWELLS New Slaughter-house in ENGLAND.

With the Authoritie that constituted and ordained it, Arraigned, Convicted, and Condemned, for *Usurpation, Treason, Tyrannie, Theft,* and *Murder.*

Being the III. Part of the Historie of Independencie: *written by the same Author.*

Printed Anno Dom. 1651.

INDEPENDENCIE.

THat every thing is kept and maintained by the ſame wayes and means it was got and obtained; is a rule true both in Philoſophy and Policy. And therefore Dominion gotten by fraud and force, muſt by fraud and force be preſerved. Things impiouſly got, muſt be impiouſly kept. When uſurped Tiranny layes its foundation in bloud, the whole Superſtruction muſt be built with Morter tempered with bloud. One Sin muſt defend and make good another. And hence ariſeth a Neceſſity upon Ambitious men to ſtanck and fortify one Crime with another. But to pleade this Neceſſity, which they have ſo willfully drawne upon themſelves, in juſtification of their wicked Courſes, To expect ſubmiſſion, Obedience and an equall Engagement from men uninterreſſed therein, and to intitle the Divine Providence and unrevealed will of God thereto (in oppoſition to his will revealed and declared in the Scriptures, as is now a dayes uſed) is to accuſe the Holy Ghoſt of our Sinnes, and an hipocriſie ſo impudently ſinfull and damnable, that I doubt no age but this, (the Dregs and lees of time) ever gave an example of the like.

Unumquodque conſervatur eodem modo quo fit.

TO illuſtrate my firſt Maxime by ſome forreine Examples (before I lay the Baſtard at our own doors) Sylla at Rome, by the power of the Sword, *proclaimed* (or voted) *himſelf Dictator: to make good which uſurpation with a Maske of Authority, he compelled the Senate* (or Parliament) *to approve of all his fore paſſed villanies,*

Murders and illegal Actes, *and to conferre a power upon him*; To kill whom he pleased and confiscate their Estates; To build and destroy Cities; Dispose Kingdomes; *And exercise an Arbitrary, Supreme Authority, and then (to establish himselfe in his selfe-created power) he posted up at Rome, and in most Cities of Italy, Bills of Proscription, or Outlawry, conteining the names of such persons, as (without any forme of Lawe, or Justice) he appointed to be slain* by his Souldiers. *These Proscribed men were (for the most part) such as having some sparkes of Roman virtue in them, durst love the Auntient Government, Lawes and Liberties of Rome, and were therefore thought fit to be weeded out, as Malignants against his Innovations and Arbitrary courses.* Yet many meane spirited fellowes, were proscribed and murdered, partly for confiscation of their Estates, and partly to gratify the Malice and hatred of particular friends who (in that carriage) praid in aid of Syllas sword to ridd them of their Enemies.

After this Augustus Cæsar at Rome, having by terror of Arms made himself Consul, and finding himself not strong enough singly to subjugate his Country, he called Antonius & Lepidus to joine with him, with whom entring into confederacy to subvert the Fundamental Government, and usurpe the Supreme Authority, They divide that vaste Empire betweene them, and *passed a Decree amongst themselves; That they should be called the Triumvirate for Reforming and Reestablishing the Commonwealth* (well enough before if they had let it alone) *with Supreme Authority* to give Estates and Offices to whom they thought fit; without asking the advise of Senate or People. *They appointed what Consuls, Magistrates and Officers*

fiers they pleased: They designed rich donatives, and 18 of the chief Cities of Italy to be given to their Souldiers, if, by their valor, they should obteine victory over Brutus and Cassius, *They fixed publike listes or Tables of Proscription, naming such Persons as they exposed to slaughter.* They Proscribed at one time 130 Senators, at another time 150 and 2000 Knights. *Whereby the best men for understanding, conduct Resolution and Affection being cut off*, the rest (terrified by their example) became but Terra Maledicta (as Chymickes call it) dull liveles Ashes or clods of earth, without power or virtue to quicken them, or make them productive. After some revolutions wherein Augustus and Antonius had discarded the dull and stupid Lepidus, and (at last) Augustus had subdued Antonius: Augustus usurped the Title of *Tribune of the people*, whereby his Person became sacred and inviolable; and (humouring the irrational Animals) tooke upon him the especial Protection of that Brutish heard, the Rascall multitude, The Tribunes of the People having bin originally instituted to protect the People. His next step was to make himself *Perpetual Dictator*, whereby he arrogated to himself a vaste, unlimited power above all Laws. The Tribuneship was his Buckler, The Dictatorship was his Sword. And last of all (for Ornament only) *He having already the full power of an absolute Monarch (although he forbore the Title of (King) because it was hatefull to the People* and against the Laws ever since the Regifugium) he took upon him the Title of *Princeps Senatus, or President of the Senate*; to keep a corresponding power over that great Counsell or Parliament: And finally usurped the Title and Office of *Imperator or Generalissimo* of all forces by Land and Sea, Garrisons, *&c.*

Philippe King of Spain Lord of the 17 Belgike Provinces by several Titles, and under several Limitations, Priviledges, Exemptions and Fundamentall Laws according to which he was to govern and they to obey: Resolving to subvert the Fundamentall Lawes and Government and reduce those 17 Petty Signiories into one meere, absolute Monarchy; sent the Duke D'Alva thither (a warrior of a resolute, stern nature) Governour with a powerfull Army. Who taking advantage of some rude commotions formerly raised by the Protestants in throwing downe Images and sacrilegiously plundering Churches, *erected a New Tribunall Criminall, or (to speake in our modern, uncowth language) A High Court of Justice,* consisting of 12 Commissioners or Judges purposely chosen, most of them hangers by of the Law, of meane fortunes, practise, birth and breeding; Covetous, Ambitious and slavishly addicted to the Spanish faction. To these was given by special Commission full power and Authority to inquire into, and judge (or to hear and determine) the forepassed commotions, whereupon *they stiled this Court, Concilium Turbarum, but the multitude called it Concilium Sanguinis; or the Bloudy Corventicle.* This Counsel or Inquisition did supersede and extingnish the Authority of all other Courts of Iudicature, and make void all Lawes, Constitutions, Jurisdictions and Priviledges of the Nation, as to the aforesaid commotions, and all other causes they pleased to call high Treason. *They had no other boundes, nor limit in their proceedings, then what they prefixed to themselves, in certain Articles.* Some few whereof I will here present unto my Reader, because *they judged of high Treason by those Articles, not by the known Laws of the Land (a thing very*

In novum regnum vi armisq; partum redigere, atque aliis Novis legibus domanere ac guginare Belberum.

Meteran. in anno 1567.
Roidan. in anno 1566.
Iohn Fraunces Petit.
Thuanus.

very observable and applicable to my purpose) *so that they were not onely Judges, Leges dicere: but also Law-makers, Leges dare: as all Judges are who take upon them a libertie to observe no set forms of proceedings:* but at their own pleasure.

1. ARTICLE. All Petitions heretofore tendered to the States, or Cities Corporate against the erecting of New Episcopall Sees; or against the Holy Inquisition; or requiring a Moderation of Decrees or Acts of State or Parliament, are accounted meer Conspiracies against God and the King.

Petitioning against Innovations in Government, and for the knowne Laws made Treason,

The like the Parliament Practiseth against such as Petitioned for Peace by accommodation. And against our High Court of Justice, Arbitrary Imprisonments and Taxes.

2. ARTICLE. All Nobles, Gentry, Judges, Magistrates, and all others who connived at Hereticall Sermons, plundering of Churches, and delivering such Petitions as aforesaid, pretending the necessitie of the times, and did not resist and oppose them.

3. ART. *Whosoever affirms, That all his Majesties Subjects of Belgia have not forfeited their auncient Priviledges, Immunities and Lawes for Treason: and that it is not lawfull for the King to use and handle them for the aforesaid Treasons as he pleaseth*, to prevent the like Treasons for the time to come, and that the King is not absolved thereby from all Oathes, Promises, Graunts, Contracts and Obligations whatsoever.

We have forfeited our laws by Conquest or else our Grandees would not passe the two Acts for Treason 14 May. 15 Iul;

1649. Not erect the High Court of Iustice, and abolish our ancient Laws and Government. See Pol. 3. Oct. 1650. and the Case of the Kingdom stated.

4. ART.

Compare this with the two Acts for New Treasons. 14. May. 17. July 1649. and the Act 26. March 1650. and Sr. Jo. Gells case stared.

4. ART. *They that affirm, This Counsell or high Court of Justice to exercise Tiranny in their Proceedings, or Judgements; and that they are not Supreme and competent Judges in all causes* Criminal and Civil.

Our High Court of Iust. exceedes all this. See Sr. J. Gells case stated. Printed Aug. 1650.

5. ART. *Those that in case of Heresie deny, that all manner of Informers and witnesses of whatsoever Degree and condition they be, are to be credited:* and that upon the Testimony of any two witnesses, this High Court ought to proceed to Judgement execution and confiscation of life and goods, *without publishing the cause or charge, and without any legal form of Triall.* All these are guilty of high Treason against God and the King.

The Rigot, Cruelty and Injustice of this New erected Counsell of Bloud, or High Court of Justice, inforced the Lowe Countries to revolt and cast off the King of Spain.

LEt us now examine whether in some one little Province or Island belonging to that vast Roman Empire; and in some meane, petty fellowes, (Natives of that Island) men even at home of obscure birth, breeding and fortunes; we can not finde examples of Ambition, usurpation and Tiranny, as high and transcendent; as bloudy and destructive; as covetous and greedy; as any of the fore-cited presidents? And (which is worst of all) carried on by those that call themselves Christians; nay, Saints (which is more than they vouchsafe to Saint Peter and

and the rest of the Apostles, though glorified Saints in the Church Triumphant) and such as in all their bloudy, oppressing, cheating Designes, (promoted by perjury, Treachery, breach of Faith, Oaths and publike Declarations) pretend to the singular favour, Providence and will of heaven as confidently, as if they could shew Gods special commission, to warrant Usurpation, Treason, Tyranny and Thievery.

It is not unknown by what Artifices, frauds, falsified promises, Oaths and covenants, *a party of Antimonarchists, Schismaticks* and Anabaptists lurking in the Parliament *fooled the People to contribute their blood and money towards the subduing of the King* (*and in him, of themselves*) and how by the same wayes and subtleties the said Party in the two Houses (now combined openly, under the Generall Title of Independents) engaging and conspiring with the Officers of the Army and Souldiery *expelled by armed force seven parts of eight of the House of Commons*, leaving not above 43 or 44 of their own engaged Party sitting, men enriched with publike spoiles) and *voting under the power of the Armies commanders, whose commands are now become a law to the said sitting Members, as their Votes are become Laws to the Kingdome.* In Obedience to their said Masters of the Army, The said Remainder of Commons voted down the House of Lords, (though an integrall and principall Member of the Parliament of *England*, farr antienter then the House of Commons, and having a power of Judicature and to administer an Oath, (which the House of Commons, never had nor pretended to have, untill this time that they overflow their Bounds and the whole Kingdomes, under the protection of their Army,) which prerogative of

the House of Lords is clearly demonstrated by the House of Commons standing bare before them at all conferences, as the Grand Enquest doth before the Judges) because they rejected the Ordinance for Triall of the King. And *now these Dregs and Lees of the House of Commons, take upon them to be a compleat Parliament*: To enact and repeal Statutes, to subvert the Fundamentall Government, Laws, and Liberties of the Land: To pull up by the Roots without Legall proceedingss) every mans private property and possession, and destroy his life. To burden the people with unsupportable, unheard of, unparliamentary Taxes, Impositions, Excise, Freequarter, buying of New Arms after the Countrey have been disarmed of their old Arms three times in one year; Pressings and Levying of Souldiers, Sequestrations, Plundering of Houses and Horse, and many other oppressions; more than the Turk, Russe or Tarter ever heard of: of all which our *Grandees are free*, and lay them upon others as partially as they please, purposely to consume them. To make Religion but a stalking horse to their designes, and the Ministers thereof but hostlers, to rub down, curry and dresse it for their riding: to whom they send Commands; what

In their Tax-Rolls, they usually set in the Margent to every name private notes of distinction. An M. an N or P. The [illegible] for Malignant; he that is so branded, is highly taxed, and his complaints for redresse slighted, N. stands for a Neuter he is more indifferently rated and, upon cause shewn, may chance to be relieved. The letter P. signifies a perfect Parliamentarian. He is so favourably taxed, as he bears an inconsiderable part of the burden, and that they may the better consume with Taxes and want, all such as do not concurre with them in the height of their villanies. This pretended Harliament, are now debating to raise the Monethly Tax to 240000.lib. or to deprive every man of the third part of his Estate, both Reall and Personall, for maintenance of their immortall warres, and short lived Common-wealth. Besides Excise, Customes, Tonnage and Poundage, Freequarter, finding Arms and Horses; and the sale of Corporation Lands now in agitation. Whilest our Grandees enrich all the Banks of Christendome with vast summer raised by publick theft and Rapines.

what they shall, and shall not preach to the people; as if preaching were the Ordinance of man, not of God. At last by way of preparative to their machinations, they passe these following votes.

1. *That all Supreme power is in the people.*

2. *That the Supreme Authority under them, is in the peoples Representatives, or delegates in Parliament assembled.* Meaning themselves, (you may be sure) the Quintessence and Elixar of the House of Commons, extracted by those learned Chimicks, Doctour *Fairfax*, Doctour *Cromwell*, and the rest, graduated at that degraded University of *Oxford*. Here note they voted the Supreme power to be in the people, that they might use those Gulles, as Conduit Pipes or Trunks to convey the Supreme Authority into themselves, the better to enslave the people: And *tickle them, whilest they fasten about their necks the Iron yoke of a Military Oligarchy, wearing the Mask of a perpetuall Parliament.*

3. *That whatsoever the Commons in Parliament shall enact, shall have the power and force of an Act of Parliament, or Law, without the consent of the House of Lords, or the Kings Royal Assent: any statute, law, custome or usage to the contrary notwithstandingr* (they might have said all our statutes, laws, customes, *&c.* notwithstanding) This one vote hath more of *Dissolution* and more of *Usurpation* and *Innovation* in it, than any I yet ever read of; *This is universally Arbitrary, and layes the Ax to the root of all our Lawes, Liberties, Lives and properties at once.*

What these men will, they vote:
What they vote is Law;
Therefore what they will is Law.

4. *That to wage warre or beare Armes against the Representative body of the People or Parliament is high Treason.* By the law all Treasons are committed against the King, his Crown and Dignity.

5. *That the King hath taken up Armes against this Parliament, and is therefore guilty of all the blood shed this warre, and should expiate those crimes with his blood.* If the King were not guilty, these men are; And therefore they passed this Vote, *se defendendo.* Yet observe that herein they became Judges in their own cause; and forejudged his Majesty before his Triall; if that may be called a Triall, that was carried on by men, who were both Accusers, Prosecuters, parties and Judges; and had neither law, President, formality of proceedings, nor any other foundation of Justice or Reason to warrant them, nor were delegated by any lawfull Authority?

These Votes thus passed, and by this kinde of men, were the foundation upon which they built their great Engine to destroy the King and Kingly Government together with the Religion, Laws, Liberties, Lives and Properties of the people: all condemned in that deadly sentence given against the King) For having (as aforesaid) created (by their own Votes) themselves as absolute a power as they pleased and cast the people and all they have into that bottomlesse Chaos of their Arbitrary Domination; They erect an Extrajudiciall, unpresidented High Court of Justice to Try (or rather to condemn without Triall) the King: Consisting of 150. Commissioners; Souldiers, Parliament men, Trades men; the most violent, engaged and factious incendiaries of all the Antimonarchicall faction: Amongst whom were many low con-

conditioned mechanicks, and Banquerouts, whose fortunes are since repaired out of the Kings Estate, and other publick Lands, Goods and Offices; as a reward for that Royall Bloud they spilt. The King (the Fountain of Law, Justice, *Mercy*, Honour, War and Peace; The Head of the Parliament and Supreme Governour over all persons, and in all causes) thus violently removed; presently (as if the *Mounds* and Banks of the Sea had been overturned) an impetuous innundation of bloudy, thievish Tyranny and Oppression brake in udon us: So that no man can call his life, liberty, house, lands, goods or any other his Rights or Fraunchises his own, longer than the gratious aspect of some of our Graundees, shine favourably upon him.

See Stat. Recognition 1. Iac. The Oaths of Allegeance, Obededience and Supremacy and all our Law Books.

In the next place: contrary to their own Declarations of the 9. Feb. and 17. *March* 1648. Wherein they promise that in all things concerning the lives, liberties, and properties of the people, they will observe the known laws of the Land, with all things incident thereto) *They passe misbegotten Acts of Parliament one of the* 14. *of May, another of the* 17. *of July* 1649. *whereby*) in derogation and annihilation of that excellent Stat. 25. Ed. III. Chap. 2. Ascertaining Treasons and reducing them to a small number, And leaving nothing to the interpretation of the Judges, that the people might not be ensnared) *they exceeding by multiplying Treasons, bringing bare words as wel as deeds within the compasse of that offence: and making many duties to which the laws of God and the land, the Protestation and Covenant, the oaths of allegeance, obedience and Supremacy oblige us, to be high Treason, & these new acts of Treason penned in obscure, ambiguous terms purposely to leave a lati-*

This Stat. 25. Ed. III. c. 2. S. Johns against Strafford calls the security of the people. And the Stat. 1. Hen 4. chap. 10. Ed. VI. Chap. 12. 1. Mariæ I. ratify and highly commend.

tude of Interpretation in (their own creatures) the Judges; that the People may be ensnared.

The King thus taken out of their way. They passe dretended Acts. 1. To *Disinherit his children.* 2. *To abolish Kingly Government for ever.* 3. *To convert our ancient well tempered Monarchy into that* (which they call a *Common-wealth, or Free-State*; although nothing be therein free, but their lusts: nor hath it any form or face of Civil and just Government; Wherein a confused Multitude rule by their own Wills, without Law; and for their own benefit; no consideration being had of the good and happinesse of the People in generall. 4. *They Constitute a Senate or Councel of State of* 40. *men* (amongst which some Trades-men, Souldiers, illiterate Lawyers, Parliament Members, men already engaged over head and ears in sinne, therefore to be confided in) to these or any nine of these they entrust the Administration of this Utopian Common-wealth, and these they would have us believe (without telling us so) are the Keepers (or Gaolers) of the Liberties of England.

They have converted our ancient Monarchy into a Free-State; and tell us they are the state. They tell us they have bestowed Liberty upon the People: but they and their petty faction onely are the People. All the rest of the English Nation are annihilated, and reduced to nothing, that these fellows may become all things: Meere ciphers, serving onely to make them of more account. And this grosse fallacy must not be disputed against, least their New Acts of Parliament call it Treason.

These things being but Introductions to the Usurpation of these Kinglings: and having been already shewed to the world by many pens. I content my self to give a cursory view of them: and hast to my intended task, to shew that this Usurped power, is kept and administred, by as wicked and violent policies, as it was gotten by.

The first endeavour of all Tyrannicall Usurpers is. To lessen the number of their Enemies; either by flattering

flattering and deceiving them: or by violently extirpating and rooting them out. And such have been the attempts of our new *Cromwellian* Statists, ever since (without any calling from God or the people) they toook upon them the Supreme Authority of the Nation; subverted our well mixed Monarchy and created themselves a Free-State.

1. They endeavoured to sweeten and allure to act with them, as many of the Secured and Secluded Members, Ministers and other Phesbyterians, as they could, to the end that *ex post facto* being guilty of their Sinnes, they might be engaged in one common defence, and go halfs with them in their ignominy and punishment, though not in their power, profit and preferments: in which the Godly will admit no Rivalls, but (like their Patron the Devil) cry all's mine. But this Design failed for the most part. 1. A Collusive Accommodation.

2. Their second Endevour was how to diminish the number of their Opposites, Royalists and Presbyterians by a Massacre, for which purpose many Dark Lanthorns and Ponyards were provided last Winter, 1649. But fame prevented this plot: which coming to be the Common rumour of the Town; put them in mind of the danger, infamy and hatred, that would overwhelm them. So this was laid aside. 2. An intended Massacre.

At last they invented two other Engins, no lesse bloudy then, and as effectuall as a Massacre.

3. The Engagement is the first of these two Gins) which all persons are enjoyned to subscribe by their Act 2. Jan. 1649. *To be true to the Common-wealth of* England, *as it is now established, without a King or House of Peeres.* And this is obtruded under no lesse penalty, then; To be totally deprived of all 3. The Engagement.

Benefit

Benefit of Law whatsoever. Now the Laws of the Land being the onely Conservators of our lives, Liberties and Estates (without which lawes all men have a like property to all things, and the strongest have right to all is possest by the weaker; since the Law onely distinguisheth *Meum* and *Tuum*) what is this but to expose the Liberties of the Non-Engagers to false Imprisonments; our Estates to rapine, spoil, and Injustice: and our Lives aud Persons to wounds and Murders, at the will and pleasure of such as will engage with our Usurpers: but especially at the pleasure of their own Souldiers: to whom (I conceive) this Outlawry was intended as an Alarm or Invitation to plunder and massacre the Non-engagers, and to pay themselves their Arrears of which these Parliament men have cousened them) out of their Estates, and though the Souldiers were not so wicked as their Masters, Yet we daily see many good Families in England despoiled of their Estates, for want of protection of the laws, brought to miserable beggery, rather than they will wrong their consciences by subscribing this damnable Engagement contrary to the Protestation and Covenant imposed by this Parliament contrary to the known law of this land, which this Parliament hath declared to observe and keep in all things concerning the lives, liberties and properties of the people, with all things incident thereto; contrary to this Parliaments reiterated votes, that they would not change the Ancient Government, by a King, Lords and Commons. And contrary to the Oathes of Allegeance, Obedience and Supremacy: whereby (and by the Stat. of Recognition 1. Jac.) our *Allegeance* is tied onely

to

to the *King*, his *Heires* and *Lawfull Successors*: from which no power on earth can absolve us; and so much we attest in the Oath of Supremacy. *Politicus* (Interpreter to our new State-Puppet play) Numb. 19. from Sept. 19. to Sept. 26. out of the dictates of his Masters tells us, that in Answer to the Kings Act of oblivion granted, the Parliament intends to passe an Act of Generall pardon; for which they expect in future a Generall obedience & submission to the government: (you see though they will not be the Kings subjects, they will be his Apes) and in the begining of the said Pamphlet, *Politicus* saith; That Protection implies obedience, otherwise they may be handled as publike Enemies and outlawes, and ought to be destroyed as Traitors. Here you have the end to which this generall pardon is intended: it is but a shooing-horn to draw on the utmost penalty upon Non-engagers, appointed by the said pretended Act 2. Ian. 1649. to weed them out of this good Land, that the Saints only may enjoy the earth and the fullness thereof; to which purpose all their new coyned Acts and Lawes are directed. The Scripture points forth these kind of men, when it saith, *The Mercies of the wicked are cruell.* The sum of all is; If we will not aknowledge Allegeance to these Mush-romes, we shall be Traitors without Alleageance (a Treason never yet heard of in any Law) If we will acknowledge Allegeance, we put our selves in a capacity to be Traitors, when they shall please to make us such. But let them know; That we are all Englishmen; Free-born alike, under the Protection of an antient, legall Monarchy, to which we owe Alleageance: and how we come to forfeit that legall Protection, our setled,

laws and Government; and be subjected to a New, unknowne Protection obtruded upon us by a Company of upstarts (Mushromes of Majesty, so meane in birth and breeding (for the most part) that the place of a Constable equalls the highest of their education) imposing what Lawes and conditions upon us they please; I would be glad to heare without being hindered by Guns, Drums, High Courts of Iustice and other Instruments of violence & Murder. But the greatest Mistery in this cheat is, That our Self-created Supremists, having voted the originall power to be in the people, and but a derivative Authority to be in themselves as the Representative of the people, should notwithstanding so yoake their Soveraigne Lord the people, and make them pay Allegeance to their own Delegates (the 8. part of a House of Commons) under the penalty (unless they subscribe as the far major part have not) of outlawing and depriving all the people of this Land of all benefit of the Lawes they were born to, and consequently of annihilating and making them no longer a Nation or people. As if they were meer Salvages, newly conquered, collected and formed into a Politike body or Commonwealth, and endowed with Laws newly invented by these Novice Statists. But the unlawfullness of the said Engagement with the Injustice of the Self-created power that obtrudeth it, hath been handled by many good pens: especially by the *Cheshire* and *Lancashire* Ministers in their Plea for Non-Subcribers. Therfore I passe on to my principall scope; *The second Engine appointed to root out all such as are of a different Party, The High Court of Iustice.* A formidable Monster, upon which no pen (that I know of) hath yet adventured. 4. In

4. In treating of the High Court of Iustice, I must consider. 1. *By what Persons and Authority* this new erected, unpresidented Court is constituted? 2. *Of what Persons it is constituted?* 3. *The way and manner of their proceedings?* What formalities and Lawes they observe therein? How sutable to the known Laws of the Land, and the Parliaments Declarations, Protestations and Covenant they are? 4. *To what end this Court is constituted?* 4. The High Court of Iustice.

1. *The Persons constituting* this extrajudiciall Court are the present, pretended Parliament, consisting of 40 or 50 thriving Commons only, who conspired with *Cromwell* and the Army to expell 7. parts of 8. of their follow-Members, without any cause shewne, abolished the House of Peers, erected this High Court of Iustice (*in nature of a Court Martiall*) to murder the King, abolished Kingly Government: Turned it into a thing they call a *Free-State*; disinherited the Royall Family, and *now usurp to themselves* (*without any calling from God or the People*) *more then a Regall, Legall or Parliamentary Authority*, wherewith they have subverted the Fundamentall Government, Religion, Laws, Liberties and Property of the Nation, and envassalliſed & enslaved them to their Arbitrary Domination; the Authority by which they erect this extrajudiciall Court is, *The usurped, Legislative power:* By colour of which they passed an Act dated 26. March 1650. establishing the said High Court of Iustice. *Yet their own creature Master* St. Johns, *in his Argument against the E. of Strafford*, (in a Book called Speeches and Passages of this great & happy Parliament, printed by William *Cook* 1641. pag. 24.) saith, *The Parliament is the Representative of the whole King-*

dom, wherin the King as head, The Lords as the more Noble, & the Commons the other Members, are knit together as one body Politick; The Lawes are the Arteries & Ligaments that hold the body together. (And a little after) *Its Treason to embesell a Judiciall Record, Strafford swept them all away. Its Treason to counterfeit a 20s peece;* here is a counterfeiting of Law (so in these counterfeit new Acts) we can call neither the counterfeit nor true one our own. *Its Treason to counterfeit the great Seale for an acre of Land,* no property hereby is left to any Land at all (no more is there by the votes & practise of our new Supremists (thus far Master St. Iohns. *But that the Parliament doth necessarily consist of the King & the two Houses assembled by his Writ, & can passe no Act, without their joint consent:* See the Præambles of all our Statutes, all our Parliament Records, all our Law Books: *Modus tenendi Parliamentum.* Hackwells manner of passing Bills. Sr. Tho. Smith *de Repub. Anglorum. Cambdeni Britannia.* All our Historians, Polititians, and the uninterrupted practise of all Ages. That it is now, lately otherwise practised; is not by any Law of the Land, but by the will of lawlesse power and Rebellion, that hath cancelled all our Lawes, Liberties and Properties, and subverted our Fundamentall Government, and disfranchised and disinherited the whole Nation. Yet Master St. Iohns in his said Argument against Strafford p. 38. was then of opinion: *That to subvert the Lawes and Government, and make a Kingdom no Kingdom, was Treason at the Common Law.* This Act 26. Mar. 1650, is a new modelled Commission of Oier and Terminer: And all the people of the Land, are by the consequence thereof disfranchised and proscribed. The illegality and ty-

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ranny thereof, they have introduced, who in this Parliament so zealously complained against the Court of the President & Counsel of York or of the North, as an intolerable grievance (notwithstanding it had been of as long continuance as from 31. H. 8,) as appears by a worthy *Members speech or Argument against it* (in the said Book of Speeches & Passages p. 409. *made by order of the House of Commons* in April 1649. I find not one Exception there made against the Court of York, to which this upstart high Court is not more liable then it. 1. The Commissioners of this high Court are not appointed *to inquire, per Sacramentum proborum & legalium hominum*, that is, by Iuries; as by *Magna Charta*, and above 30. Statutes confirming it, all Commissions ought to run. 2. They are not appointed (nor sworn) *to heare & determine, Secundùm Leges Angliæ*, according to the known Lawes (as they ought to be) but according to certain Articles & powers given in the said Act 26. March 1650. 3. The said Act 26. March leaves a dangerous latitude to the interpretation and discretion of the Commissioners (contrary to what is done in the Act 25. *Ed.* 3. chap. 2.) namely; It hath *one Clause enabling them to inflict upon Offenders such punishment, either by death or otherwise corporally, as the said Commissioners, or the major part of them present shall judge to apperteine to Justice.* This leaves it in the brests of the Commissioners, (without any Law or rule to walk by) to inflict what torments and ignominious punishments they please, although not used in our Nation; and *arbitrary corporall paines are proper to slaves; not to Subjects.* Here (after the losse of all but their bodies) the people

may see their bodies subject to the lawless wills of our Grandees. And by another clause, this Act impowreth the Commissioners, *To examine witnesses upon oath, or otherwise, if need be.* This word (*or otherwise*, &c.) gives them power to examine witnesses without oath (if they cannot procure witnesses so far the sons of Belial, and cauterised in conscience as to adventure upon an oath) even in case of life and death, and mutilation of members; contrary to the current of all our Lawes, and practice of all our Courts of Law, and of all Nations. See Stat. 1. Ed. VI. chap. 12. 5 Ed. VI. chap. 11. Cooks 3. Inst. pag. 24, 25, 26. Deut. 17. 6. *Ex ore duorum vel trium peribit qui occidetur.* Deut. 17. 6. Matth. 18. 16. John 18. 23. 2 Cor. 13. 1. Heb. 10. 28. This is the most arbitrary & destroying liberty that ever was given to Iudges; And such as none but professed theeves and murderers will accept or make use of. The Scripture saith, *An oath is the end of controversy between man & man. How then can they end and determin a controversy without oath?* But the end of all controversies before this Butcher-row of Iudges, is cutting of throats, and confiscation of estates. And by the same clause of the said Act (*To examine witnesses*) *They may, and* (*I heare*) *do examine witnesses clandestinely*, and proceed upon bare Depositions read in Court, whereas they ought to produce the witnesses face to face in open Court, and there sweare them, that the Party accused may interrogate them, and examine the circumstances, and whether they contradict themselves, or one another, for cleering the Evidence? And whether they be lawfull witnesses or no? Nay (I hear) they do privately suborn and engage witnesses without oath. And then produce them

See Stat. 5. Ed. VI. chap. 11. & Cookes. 3. Inst. pag. 26.

to

to swear what they have formerly related only: and if they scruple at an oath, punish them for misinforming the State. 4. That I may make some more use of the aforesaid Members words, *Whether the King, or a prevailing Party usurping his Kingly power, may canton out a part of his Kingdom) or cull & mark out for slaughter, some principall men, & deny them the benefit of law, in order thereto, as these Judges do) to be tried by speciall Commission, since the whole Kingdom is under the known lawes & Courts established at Westminster?* It should seem by this Parliaments eager complaint against the speciall Commission of York, this Parliament hath determined this question in the negative allready, (whatsoever their present practise to carry on their Designe is) See Stat. 17. Car: 1. against the Star Chamber. To what purpose serve those Statutes, of *Magna Charta* and the Petition of Right, if men may be fined and imprisoned (nay murdered) without Law according to the discretion of Commissioners? This discretion is the quick-sand that hath swallowed our Properties and Liberties, (but is now ready to swallow our carkasses:) Thus far that Gentleman, Whose words then carried the Parliamentary stamp upon them. Let me add some more exceptions of my own against this high Court of Injustice. 5. *Soldiers of the Army are appointed by the Act 26. March, to be assistant to the Commissioners*, contrary to the peaceable proceedings of the Law, which never makes use of any but civill Magistrates and Officers of the Law. See Stat. 7. *Ed.* I. 2. *Ed.* III. chap. 3. 7. R. II. chap. 13. 6. And *contrary to the old oath which all Judges ought to take, in these words.* You shall sweare *well & lawfully to serve the King & people*, in the Office of Justice, &c. And *that*

if

to what estate & condition they be, come before you in the Sessions with force and armes, against the peace, against the Statute therof made, to disturbe the Execution of the Common Lawes, or to menace the people, that you arrest their bodies, &c. Stat. 18. Ed. III. in An. Dom. 1344. p. 144. Poultons Book of Stat. at large. *But the oath appointed for these Commissioners to take, is not penned in termes of Indifferency. Nor doth any waies oblige them to the people.* 26. Mar. 1550. (viz:) *You shall sweare well and truly according to the best of your skill and knowledge, to execute the severall powers given you by this Act,* (not well & lawfully to serve the people.) Besides they swear to execute the severall powers given, (*not to do Justice according to the Lawes*.) Now the Lawes are the only Rules of Iustice, by which we distinguish crooked from streight, true from false, right from wrong. This is not the work these Iudges are packed for, but to *execute* Acts of *power* and *will*. But powers are often usurped, tyrannicall, illegall and unjust: So are these. *Injuria est quod contra legem fit.* 7. How can the House of Commons (if it were full and free) constitute a new unpresidented Court of Iustice, nominate and ordain Iudges, and enable them to administer Oaths, having never had, nor so much as pretended to have, any power to judge, to nominate Iudges, or to administer an oath; as having never been more then the grand Enquest of the Kingdom, humbly to present to His Majesty in a petitionary way, the grievances of the people? *Nemo dat, quod non habet.* 8. Suppose the House of Commons had power of Iudicature, delegated to them from the people as their Representative? *Delegati non possunt substituere Delegatos, et Pro: estatam sibi concreditam, in alios transferre.*

Delegates

legates can not make subdelegates, and transfer their trust to others. See Col. *Andrews* 3 Answers given into this High Court, for his defence. Printed at the later end hereof.

2. My Second consideration will be, *Of what Persons delegated or commissioned, this Court Consisteth?* The pretended Act 26. *March* 1650. names 25. Commissioners, all which (for their better credit) it enacteth Esquires, amongst whom are four or five, that have professed the Law (as far as wearing a lawyers gown come too) but were better known by their leisure then by their law; untill by adhearing to our prevailing Schismaticks, in subverting our laws, they seem to be eminent lawyers. Of *Keeble* see the Tryall of Lieutenant Col. *John Lilburn*, first and second part. *Steel* cited expired Statutes at *Winchester* against Captain *Burley*. The rest are (for the most part) poore ignorant Tradesmen, some so young they are but lately out of their Apprentiships, others Broken Tradesmen that have compounded with their Creditors, some of vilde and base Professions; One or two of those Wolvish Saints (I hear) have with some difficulty escaped the gallows for Manslaying: *William Wibearde* Esquire is a Rope-seller: this employment may happily help him to the Hangmans custome. *William Lemoier* Esquire was heretofore an Ape-carrier, Cherry-lickom or Mountredinctido. *Cook* a Vintner at the Bear at the Bridge foot, he keeps a vaulting schoole for our sanctified Grandees, and their Ladyes of the Game. If the House of Commons had power to make Judges (which I have disproved) yet, *Ex quovis ligno non fit Mercurius*. They must name such Persons as may be competent Judges. And therefore

must not choose. 1. Ignorant men. 2. Nor such as the Law cals, *Viles Personas*, men base or contemptible for their Persons or Sordide callings; Mechanicks of the lowest rank. 3. Persons of Scandalous life and conversations. 4. Not Banquerouts and Indigent Persons. *Necessitas cogit ad turpia.* 5. Not partiall and preingaged Persons, chosen to suppresse another party. As these Commissioners are engaged to the present power to suppresse all others. 6. Nor *such as Schismatically or Heretically affected, are seasoned with such Doctrines and Principles, as neither agree with the Duties of a good Christian, a good Commonwealths man, nor a good Judge*; Which two last Objections not onely these Commissioners, but the pretended Parliament that commissioned them are apparently guilty of, as being all of the Independent faction, conspiring to robb and root out all other Parties: Royallists, Presbyterians and Levellors: For which purpose this New Tribunall or Inquisition is set up. *Independency being a meer complication and Syncretisme, or rather a Sink and Common Sewer of all Errours, Heresies, Blasphemies and Schisms (though they peevishly differ in some inconsiderable Tenents) yet having one Generall End or scope at which they all chiefly aym* (viz.) *power, preferment, profit, and the suppression of the Truth and Magistracy, they have likewise some common principles to soader them together, which they use as a Means conducing to that generall End.* Some few whereof I will here set down for my Readers satisfaction. 1. *To tollerate no King nor Magistrate Superiour to themselves.* As being a Tyranny or Bondage over the Christian Liberty of the Saints and Kingdom of Christ. Becaufe they know no Christian Magistrate can tollerate them, being (by the *Genius* of their Sect)

enemies

enemies to all Civill Societies, whether Monarchicall, Aristocraticall, Democraticall or Mixed; as the Kingdome of *England* was, before these men destroyed it. Besides their common Doctrine, *That they are appointed to break the powers of the Earth to pieces, To levell the hills and fill up the valleies, That they are called, To bruise the Nations with a rod of Iron, and break them in pieces like a Potters vessell:* Which they have done in *England*, and threaten the like in *France*, *Germany*, *&c.* whereof their pulpits and discourses sound. Observe *their Practises in the Low Countries.* Where having by their spies and Emissaries, found out some Burgers of the same humour with themselves; They propagated their Doctrine so far; as to endeavour To strike the Aristocraticall Members out of that Commonwealth by abetting some of the States Provinciall to lessen (and so to abolish by degree) The Lords States Generall (the Optimates of that State) To ruine the Prince of Orange, to whose Family they owe their Liberty; *To dissolve the Generall Union of the said United Provinces, and so take in pieces the whole Frame of that Republike.* To say nothing of their Insolencies in fighting and killing their men, because the Belgike Lion will not strike saile to their Crosse and Harp; and in blowing up the Antelope in *Helversluice:* Which shews what good Neighbours *Holland*, and other parts, are like to have of the New State of *England* and *Ireland* (when they have made themselves intirely by the purchase of *Scotland*) that is born (like our English *Richard* the 3.) with Teeth in its head; and snappeth at its Neighbours before it be out of its Swadling clouts. This is the cause that *Cromwell*, before he set saile for *Ireland*, caused his Journey-

men, the pretended Parliament, To passe an Act for toleration of all Errors, Heresies and Schisms, under the Notion of liberty of Conscience, and Ease for tender Consciences. 2. Their second principle is, *That the good things of this World belong only to the Saints (that is, themselves) all others being usurpers thereof: and therefore they may rob, plunder, sequester, extort, cheat and confiscate (by illegall Laws of their own making, by extrajudiciall Courts and partiall Judges of their own constituting) other mens Goods and Estates; upon as good Title as the Jews spoiled the Ægyptians*; or expelled the Canaanites. 3. Their third principle. *That the Spirit (which sanctifies and illuminates these men) in every particular man blows when and where it will, sometimes this way, sometimes that way, often contrary wayes: And therefore they can make no profession of any certain Rule of Doctrine or Discipline, because they know not which way the Spirit will inspire.* For this reason they are still pulling down old and setting up new Doctrines, as the Nomades do Cottages, only constant in unconstancy. They professe their consciences are the Rule and Symbol both of their Faith and Doctrine, by this Leaden *Lesbian* Rule they interpret, and to this they conform the Scriptures; not their Consciences to the Scriptures; setting the Sunne Diall by the clock; not the clock by the Sunne Diall. That every man must pray according to the Dictates of his private Spirit; They reject the Lords Prayer, for fear of quenching the Spirit. *When they break their Faith, Articles, Promises, Declarations and Covenants, they alleage, the Spirit is the Author thereof.* When *Cromwell* (contrary to his Vows and Protestations made to the King) kept him close prisoner in *Carisbrook* Castle; He affirmed *the Spirit would not let him keep his word.* When,

contrary

contrary to the Publike Faith, they Murdered Him: they pretended: *They could not resist the Motions of the Spirit. Sua cuique Deus fit dira libido.* This Hobgoblin serves all turns. 4. Their fourth principle is. *That they may commit any Sinne, and retain their Sanctity in the very act of sinning: For what is sinfull in other men, is not so in the Saints; who may commit any crime against the Law of God, and yet it cannot be imputed to them for Sinne;* Because they know in their Consciences what they do. So tender and delicate are their Consciences; That *they are capable of any Offence against their Neighbor, without breach of Justice or Charity.* A righteous man is a law to himself. 5. Their fifth principle is. *That 7. make a Church: although men women and children, and that this Church is Independent upon any other.* The Anabaptists (though they neither profess to follow *Paul* nor *Cephas*) yet declare themselves to be some of *Cromwels* Church, some of *John Goodwins*, some of *Kiffins*, some of *Patiences* and some of *Carters* Church. 6. Their sixth Independent principle is. *That if a man be questioned for any crime, though his Judges have neither competent witnesses, proofs nor Evidence of his guiltiness, yet if they think in their Consciences he is guilty; they may condemn him out of the Testimony of their own private consciences.* Is it not fit men so principled should be Judges and Jury too; & condemn men by inspiration? So Col. *Andrews* and Sr. *John Gell* were condemned; for *Bernard* and *Pits* (witnesses against them) were apparently suborned by *Bradshaw* and Sir *Hen. Mildmay* against them: and forsworn in the same cause; and good proof offered to the Court, that they were both Flagitious men, of scandalous life and conversation. The letter (supposed to be sent by *Andrews* to *Gell*) was delivered to

Bradshaw, whereof *Bradshaw* sent a Copy onely to *Gell* at ten of the clock at night; and had a warrant then ready to arrest *Gell*, which was done early next morning before he could conveniently discover it: Yet was *Gell* sentenced for Misprison of High-Treason. See *Sr. John Gells* case stated, August 1650. with Colonel *Andrews* Attestation (in his behalf) under his hand a little before his death. And though *Sr. John* was Impeached and Mr. *Atturney* prosecuted him only for Misprision; yet had he much a do to keep that blood thirsty old curre *Keeble* from taking a leap at his throat, and giving Judgment against him for High Treason. So for want of law *Sr. John* had like to be hanged by Inspiration and Instinct of the spirit. He that will see more of these Independent Tenets, Let him read *Cl. Salmasius* chap. 10. *Defensionis Regiæ. Elenchus Motuum nuperorum in Angliæ.* And the History of Independency, 1, and 2. part. These 6. I have selected, that by comparing their Doctrine with their daily Practise, the Reader may perceive what pious Christians, good Patriots, and upright Judges, these engaged, Independent Commissioners of the High Court of Justice are like to prove. The builders of this New Commonwealth or Babel, hold forth to the People, Justice and Liberty, as their Motto: as if those excellent guifts had never received their birth, nor bin so much as shewen to the People untill they murdered the King, and stepped into his Throne. But how righteous a *Free State* or Commonwealth is this like to be? And how well are the People therein like to be instructed in the wayes of Righteousnesse, Justice and Charity, and improved in good life and conversation, by men so principled as aforesaid, Let

the

the world judge. Especially when they observe, That our New Statists have enacted in the said pretended Act 2. *Jan.* 1649. enjoyning the Engagement, That who soever will promise Truth and fidelity to them by subscribing the Engagement may deale falsely and fraudulently with all the world besides. And break all Bonds, Assurances and Contracts made with Non-engagers, concerning their Estates; and pay their Debts by pleading in Bar of all Actions, That the complainant hath not taken the Engagement: This is to robb the Ægyptians of the good things of this world, This is to break their Faith by the motions of the Spirit. This is to cheat and rob their Neighbours without breach of Charity or Justice, and without imputation of Sinne, according to their aforesaid Tenets.

3. I am come now to consider in the third place, *The way and Manner of their proceedings*; How consonant they are to the usuall proceeding of our known Laws, and Legall Courts of Judicature? (the best Inheritance of all Freemen) whereof see Colonel *Andrews* 3. Answers in his Defence given into the said High Court, Here with printed.

1. The first Course they commonly take is; To break open mens Houses, Studies, Chests, &c. and seise their Papers; and thereby hunt for Matter of Charge against them: And then to examine them against themselves, upon the said Papers, contrary to *Magna Charta*, which saith, *Nemo tenetur prodere seipsum.* And contrary to the Doctrine of Christianity, which forbids a man to destroy his own life, or be, *Felo de se*, as many men unwittingly doe, who answer to captious, ensnaring questions. What that tempting

question

queſtion was put to Chriſt; *Art thou the King of the Jews?* He returned no other Anſwer then: *Thou ſayeſt it: Why askeſt thou me?* Aske them *that heard me*, That is, Ask witneſſes. It was objected againſt the Oath *ex Officio*, That it was High Injuſtice to examine a man againſt himſelf: Becauſe his Anſwers may only ſerve to condemn, but not to acquit him.

2. They uſually break open houſes with Souldiers, at all hours of the night, pulling men out of their beds with great violence and terrour, and ſo carrying them away, under pretence whereof Robberies and Murders have bin committed. Whereas by the *Stat. 1. Edw. VI. chap. 12. and 5. and 6. Edw. VI. chap. 11.* A man ought not to be accuſed of High Treaſon, but to one of the Kings Counſell; or to one of the Kings Juſtices of Aſſize; or to one of the Kings Juſtices of the peace being of the *Quorum:* or to 2. Juſtices of the Peace, where the Offence is committed, *Cooks 3. Inſt. chap. High Treaſon p. 26, 27, 28.*

3. They Commit men to priſon without any Accuſation or Accuſor made known, and during pleaſure: and detein them in priſon many years together without any Legall proceedings or charge againſt them; ſharing their Eſtates, Offices and Revenues (by *Sequeſtrations* and Suſpenſions of the Profits) amongſt themſelves, without any Crime objected: And ſo leave them to ſterve, rot or dye in naſty Gaoles, for want of Maintenance, under the cruelty of covetous, and mercileſſe Gaolers, whom they bear out (for mony) in all their Extortions. And being thus impriſoned and wounded with the diſpleaſure of the State no man dares adventure, upon any ſecurity, to lend him mony for fear of incurring the diſfavour

of

of the State, and a Note of Malignancy, whereby their Prisons are become private Slaughter-houses, as well as their Courts Publike Shambles of Injustice. Prisoners in the Tower of London (To which prison no Gaole delivery belongs) were alwayes wont in the time of (*that supposed Tyrant*) King Charles I. and his Predecessors, to have allowance from the King, according to their severall degrees; As 5l. a weeke for an Esquire &c. although the King deprived them of no part of their estates untill conviction, and this Maintenance was provided for them by the Lieutenant of the Tower; and in respect of his care and paines in procuring it he had Fees, and not otherwise; though now they continue and increase the said Fees; the cause being taken away the effect ceaseth not. But these men now in power, after they have Committed men and robbed them of their Estates, without cause shewen, are so farre from giving them any allowance to feed them; that they shut them up close Prisoners in unwholsome chambers, denying them the Liberty of the Tower, and the benefit of fresh Aire (the Cameleons Diet) for their health, and resort of friends, for their accommodation. And that they may be sure to *deprive them of all legal means by* habeas corpus *to recover their liberties*; They commit men by *illegal warrants* not expressing any particuler Offence or cause for their commitment; so that it is impossible for the keeper of the prison to obey the *habeas corpus*, which is directed to him in these words: *Precipimus tibi quod corpus A.B. una cum causa detentionis suæ, habeas coram nobis &c. ad recipiendum ea quæ curia nostra. &c.* Wherupon the Goaler or Sheriff is to bring his Prisoner to the Bar and tender his *mittimus* to the Court,

Witnes about 3000. Scottish Prisoners of Warre starved to death at Durham: where they eat one another for hunger. These were taken at the battle of Dunbar An. 1650. 3. Sept. and many hundred Prisoners have been murdered in Goales, with hunger, cold, nastinesse, and contagion: after they have been robbed of their Estates and no Crime laid to their Charge: This is now become a dayly practise.

shewing the particuler cause of his Imprisonment, that the Court may judge whether it be Legall, or no. *Dolosus versatur in Generalibus.* In the Acts of the Apostles chap. 25. ver. 26. 27. *Festus* thought it unreasonable to send *Paul* a Prisoner to *Cæsar* (to whom he had appealed) and not withall to signifie the Crimes laid to his Charge. See Cookes 2. Instit. fol. 591.

4. Their usuall course of *practising and subborning witnesses, tempting them with hopes and terrifying them with fears*, is so notorious, that it is known the Counsel of State have hundreds of *Spies and Intelligencers, Affidavit-men and Knights of the Post*, swarming over all England as Lice & Frogs did in Egypt; and have both *Pensions and set rates for every polle brought in: So that now the whole Nation is proscribed, and every mans head set to sale*, and made a staple commodity, (far beyond the definite proscriptions of *Silla* & the *Triumvirate* aforesaid.) These sons of *Belial* are sent forth to compasse the earth seeking whom they may devoure. These (with the Liberty of Priviledged Spies) speake bold Language to draw other men into danger; and plot conspiracies, which themselves detect and are rewarded like Decoy Duckes for their paines. Of this sort are *Bernard* and *Pits* set on work to betray *Gell* and *Andrews*, as aforesaid. For which *Bernard* had 300l. and a Troope of horse conferred upon him. *Johnson* that falsly accused Sr *Rob. Sherly* and *Col. Egerton* for their charity in relieving his wants, is another; *Varney* is a fourth. So well are they fitted with these Sons of *Belial*, that no *Naboth* can keepe his Vineyard, if a Grandee cast a covetous eye upon it; they can prove what they list. Nay it is usuall for our Grandees to molest one man with

exami-

examining him 20. or 30. severall times, against one Prisoner, & upon one point, to distract his memory, & not to let him be quiet until he perceive He must speak what their questions and discourses lead him to, to redeem himself from vexation. To say nothing of their Menaces, To torture men if they will not confess, what they impudently pretend is already discovered by other means: And their insinuating into the affections of witnesses by asking them: Whether the State doth not owe them money? And why they doe not use fitting means and opportunities to recover it? And why they do not make means for some beneficial employment?

5. *In Magna Charta*, chap. 29. it is enacted, *That no Freeman shall be taken or imprisoned, or be disseised of his Freehold or Liberties or free Customes, or be outlawed or exiled, or any otherwise destroyed*; nor *we will not passe upon him or condemne him, but by lawfull Judgement of his Peares, or by the Law of the Land. We will sell to no man, we will not deny or deferre to any man, Justice or Right.* See Statut. 2. Ed. III. chap. 8. 5. Ed. III. chap. 9. 14. Ed. III. chap. 14. 25. Ed. III. chap. 4. 11. R. II. chap. 10. Pet. of Right. 3. Car. 1. 10. Ed. IV. fol. 6. Dier. fol. 104. Cooke lib. 5. fol. 6. lib. 10. fol. 74. lib. 11. fol. 99. Regist. fol. 86. Where note the word (*Peeres*) signifies, that no man is to be condemned or destroyed, but by the lawful verdict of a *Jury of* 12. *sworne men of the Neighbourhood* where the Fact was committed; because (in probability) Neighbours may have best cognizance of the Fact, and of the life and conversation of the Party Accused. And these only are *Competent Judges of Matter of Fact*; & in many cases of Matter of Law too, if they will take the

knowledge of the Law upon them. Neither can this Petty Jury of 12. men goe upon the prisoner, unlesse a *Bill of Inditement* containing the whole Matter of charge be first found in open Court by a Grand Jury or Enquest of sworne men; who are to enquire of the Fact upon the Oathes of two lawfull witnesses (at least) to every material Point of the Enditement and then, when the Grande Enquest are all agreed, the Foreman endorseth upon the backe of the Bill (*Billa vera*) and then presents it in open Court, as the Information for the King of the whole Enquest: otherwise the Enditement is quasht, and nul. Cookes 3. Instit. chap. High Treason and Petty Treason. And whereas the Statut. saith, (but by his Peeres, or by the Law of the Land) *Lex Terræ*, signifies, The Auntient Customes of the Land; Amongst which Fundamentall Customes; Trials by Juries hold a principall place. And *when the King Charles I. accused this Parlament, That they disposed of the Subjects Lives & fortunes by their votes, contrary to the known Laws of the Land, This Parlament in their Remonstr. Sep, 1642.* (1. Part. of the Book of Declarations fol. 693.) *highly resented it*. And *Magna Charta* being nothing else but an affirmation of the common Law, inserted this Clause (*or by the Law of the Land*) as a speciall caution, not to annihilate or frustrate (no; not so much as tacitely, or by preterition) any of the said Fundamentall Lawes or Customes, nor any other particuler lawfull Customes, which are not one and the same in all parts of England; Witnes the Custom of *Gavelkind* in Kent. I have told you what our known auncient Legall Courts of Justice doe. And I must tell you that *Legall formes and set Modes of proceedings*

are

are so essentiall unto Justice, that without them we cannot measure the Rectitude or obliquity of justice or injustice: where they do not chalke forth the way, both Judges, Lawyers, Officers & Atturneys will tread what subtle, obscure paths they please, usurpe an Arbitrary power and latitude to prevaricate; & so far corrupt & work the Law to their sence, that they will rather *Leges dare*, then *Leges dicere*, so that what is Law in one mans case, shall not be so in another mans, They will so intricate and intangle causes; that every case shall be *Casus pro amico*, as Civilians call it; when upon full hearing, The Merits of the cause appear so equall, and undistinguishable on both parts; that the Iudge may (according to his discretion) look upon the Merits of the Persons only: and give the cause; *Pauperiori, via Charitatis*, or *digniori, ratione virtutis. Justice not fixed by formalities, will become such a vagrant, that no man shal know where to find her.* Let us now see what our new shambles our upstart High Court doth. Which in this worke of Reformation and Destruction, so much abhors superstition and ceremonies, and stickes so close to a summary way of proceeding, that they have not onely stripped, but stead her: as their Masters the Parliament not only fleece, but flea the People. In lieu of a Bill of Presentment, by a Grande Enquest, the pretended Parliament or Counsel of State, send *a List of such Persons names*, as they have proscribed, And set a *Nigrum Theta* upon, (as men dangerous to their designed interest) to the Masters of their Slaughterhouse, The said High Court, together with such Depositions as they have taken in corners, against the Prisoners: and this is such a forejudging of them, that the said Court neither will nor dare acquit, whom

their Masters and pay-Masters have precondemned. Next *Articles of Impeachment in nature of a charge* are drawn up against the Prisoner (although such Articles are nothing in Law, which regards only a Bill of Indictment) Then the Prisoner after a close Imprisonment (for he knows not what) upon two dayes warning is led to the Bar; where the first worke is to dazle his eyes, amate and distract his judgement and memory with the terror of their souldiers, the Numerous Presse, high affronting words and looks of his Judges; having thus mortified the Prisoner, he is commanded to hear his charge read: and bid *plead to it. Guilty, or not Guilty.* If he own their jurisdiction and plead the said General Plea, they have him where they would have him, they never ask him; how he will be tried? Whether by God and his Country? for God hath no hand in these proceedings, nor amongst such Judges; and this rod of Iron is provided to bruise his Country, as well as himselfe. Lieutenant *Col. Lilborne's* Triall hath taught them That it is an easier Matter for them to packe a Butcher Row of confiding, partiall Judges, then a Jury; who are liable to be challenged, if suspected of partiality. When *Col. Andrewes* claimed to be tried legally as a Freeman by a Jury and vouched Great Charter, and many other Statutes, (whereof see his aforesaid three Answers) that sneaking Blood-sucker, illitterate *Keeble* answered. Those Statutes were out of date now, (meaning they were taken away by conquest,) *So that this shamble Row of Judges, take upon them to be, both Judges of the Law, (without acknowledging the Fundamentall Lawes of the Land, or taking any Oath of Indifferency to the People) Triors of the Fact, or Jurates of life and Death (without being sworne*

Iuries to

to find according to Evidence) as well as *Parties and Prosecutors*. Theeves upon the high way may as justly arraigne a true man before them because he brought no money in his purse, offered to draw his sword and hid his money about him in contempt of their jurisdiction and Authority; and condemne him upon such a mock Trial & mummery or enterlude of Justice, as these Fellowes. *If they allow him counsell*, his Counsell must apprehend the minds of his Judge, at his perill; and not be so faithfull and diligent as to helpe his client in earnest; Least the Counsell of State, or some other power (whose will is a Law) interpose and banish him 20. miles from London; as they did Master *Sprat*, Sr *John Gells* Sollicitor, before Sr *Johns* businesse was ended; wherby Sr *Johns* was left destitute of means to follow his busines, himself being close Prisoner. If they permit any *witnes to speak on the prisoners part*, He coms at his perill; Sr *John Gells* first witnes was so baffled in Court, that the rest stole away & durst not appeare. *I have not heard whether they give any Copy of their Articles of Impeachment to the Prisoner*, (for they cover all their doing with such a Plaguy Egyptian Darknes, that we cannot see a glimpse of light) or whether they goe a Star Chamber ways and make him Answer *Ore tenus*, and *ex tempore* for his life and Estate. *But if they give him any copy, or any time to answer, it is not above four or five dayes, or a weeke, nor do they allow him Counsell, or any other Cleering of the way to his defence, untill he have ensnared himselfe by owning their jurisdiction, and pleaded the generall Plea, Not Guilty. If he plead not an issuable Plea, and yeeld to their jurisdiction, quitting all benefit of the Law & Legal proceedings; the Razor is at his throat, they*

thirst

thirst after his Blood; & they presently sentence him guilty of contumacy & take it pro confesso. *And if he do submit & plead: His plea will have the operation but of a psalm of Mercy, prolonging his life but for a short time, in the interim* Keeble *& his Court plays with him as a Cat doth with a Mouse, and then devours him. For no man is sent to this Court to be tried, but to be condemned. In hac arena dimicatur sine missione.* Herein they shew themselves much more tirannous & bloody then the Duke *D' Alva* when he erected his said counsel of Troubles, called *Concilium Sanguinis*, or the bloody conventicle; as this wil shortly be. For saith Strada Declar. 1 lib. 7. *Procurator regius menses* 4. *Conficiendæ Accusationi accipiens sibi*; 5 *Concedebat ad Defensionem reis* (*Egmontio, Hornano, &c*) The Kings Attorney tooke four Months time to draw up the Charge or Accusation, and gave five Months time to the Respondents to make their defence. And had he given lesse then five Months time, To Instruct Counsell, Pen their Answers, produce and summon witnesses, inquire into the lives & conversation of their Accusors, his feet had been swift to shed blood. *Nulla unquam de morte hominis cunctatio longa est*, But our Inquisitors take whole years to themselves to hunt for Matter of Accusation and hire and engage witnesses against men kept in ignorance and want with close imprisonment: and allow not them so many dayes to make their Defence. *All manner of Accusors and witnesses, though apparently suborned and forsworn in the same cause, and proofes without exceptions offered to the Court that they are of infamous life and conversation, are in this Court* (*the Object of whose desires are blood and Confiscations, not Iustice*) *lawfull witnesses*, such witnesses were the said *Bernard* and *Pits*; Monsters of men.

See

See Sir *John Gels* case stated: Printed about August, 1650. *To Cite any antient, known Laws or Statutes, or any other then their own new coined Acts, passed by this* 8. *Part of a House of Commons,* (*since they became elect Members chosen by* Thomas Pride) *is to incur the High Indignation of the Court, expressed abundantly in their words & looks. But to put them in minde of the Parliaments many Declarations, to maintain the ancient known Laws, Liberties, and Properties of the people, is to scandall the present Government and incur the Censure of that unknown mysterious Crime, which knaves call Malignancy.* The witnesses and Judges being thus irrefragable, the first may swear what they will, the second may judge what they will, since they are left at large and have all things *in scrinio pectoris*: and Book Law must give place to Bench Law; *The Jurisdiction and Authority of this New unparalelled Court is such a Mistery of iniquity, so unscrutable and unquestionable,* that if a prisoner scruple (in the least) either it, or any of the uncouth proceedings of it; it is a Mortall sin to him, and he is presently interrupted, and affronted both with disdainfull words and looks. And told, *We are satisfied with our Authority, that are your Judges,* (so are Thieves upon the High way satisfied with their Authority that rob and murther us by Gods Providence and permission.) *It is upon Gods Authority and the Kingdoms,* (yet what they do is against the will of God revealed in his Scriptures; and against the known, established Laws, Statutes, and continual Practise of the Kingdome:) *Which Authority commands you in the name of the People of England to answer them.* (Yet at lest) 9. parts of 10. of the people so much abhorre these and other their Practises that every mans mouth speakes against them with bitter curses and reproaches to

See the Triall of K. *Charls* &c. in the History of Independency 2. Part. p. 19

restrain which they have minted Acts of New Treasons, to make men Offenders, nay Traitors, even for bare words; and erected this bloudy, illegall theater, The High Court (so called, for its High Injustice) as a Spanish Inquisition over them, & every mans hand would be about their ears, did they not keep an Army of Janisaries to suppresse them.) *Their Authority they do avow to the whole World, that the whole Kingdom are to rest satisfied therewith.* (You see here a Whip and a Bell provided to keep the whole Kingdom in aw: the declared Supreme power of their Soveraign Lord the people, must resign their known Laws to their Trustees, their Representatives in parliament, and take new Laws from their Arbitrary Votes, or wo be to their Necks and Shouldiers) *I must interrupt you, what you do is not agreeable to the Proceedings of any Court of Justice. You are about to enter into Argument and dispute concerning the Authority of this Court; before whom you appeare as a prisonner; you may not dispute the Authority of this Court: nor will any Court give way to it, you are to submit to it.* (It is not safe to confute a lye told with Authority. Yet if a man be Endicted of Treason or Felony in the Court of Common Pleas, a man may Demurre to, and dispute the Jurisdiction of that Court; because it is not in Criminall Causes, *Competens Forum*; nor the Judges Compentent Judges; every man and every cause must be tried *Suo Foro, non Alieno.* So if a Peer be Arraigned in the Kings Bench. And for this upstart, unpresidented High Court; it is no Court of Judicature at all, as being erected without lawful Authority; Consisting of Incompetent Judges, no Records belonging to it: and tending to disinherit, and disfranchise all the People of *England:* and to mur-

murder them.) *You may not dispute the Jurisdiction of the Supreme and Highest Authority of* England, *from which there is no Appeal, The Votes of the Commons of* England *assembled in Parliament is the Reason of the Kingdome.* (Oh Brutish, irrational Kingdome!) Where 40. or 50. Anabaptisticall Members, the Dregs and Lees of the House of Commons, after all the best and sincerest (7. parts of 8.) had been racked and purged out at the Bunghole by *Cromwell* the Brewer and *Pride* his Drayman, shall be called the Reason and Law of the Land. This confirms the truth of what King *Charls* the I. Objected to the Parliament (whereof I have formerly spoken (*That they disposed of the Subjects Lives and Fortunes, by their own Votes, against the known Laws of the Land.* But that there should be no Appeal to their declared Soveraign Lord the people, from their subordinate Trustees in Parliament is wonderfull; Considering that in all Governments, The last Appeal is ever to the Highest and most Absolute power. But it may be they will be the Peoples Trustees in spight of their Teeth, and by the power of the Sword; and so free themselves from rendring any account of their Stewardship.) *You may not Demurre to the Jurisdiction of the Court. If you do, they let you know, that they over rule your Demerrer, and affirm their own Jurisdiction. Reason is not to be he heard against the Highest Jurisdiction the Commons of* England, *make a direct & positive Answer, either by denying or confessing, and put in immediately an issuable Plea,* Guilty, *or* Not Guilty *of the Charge, or we will record your Default and contumacy, and by an implicite confession take you guilty pro confesso, & immediately give judgment against you.* (This (as I told you before) is it that blanches the Deer into the Toile, But God deliver us from that

Jurisdiction that is too high to hear Reason; and that over rules Demurrers before they be heard.) I have told you as much of the proceedings of this Court, as the Novelty, Obscurity, uncertainty and confusion thereof will give me leave. Let me now (by way of overplus) give you the great dangers and slavery that will befall all sorts of People, if they tamely and cowardly suffer themselves to be deprived of their auticent, legal Tryals by Endictment and Juries of the Neighbour hood: (then which the whole world cannot boast of a more equall way) and suffer their Lives, Liberties, Estates, and Honours to be subject to an Arbitrary, Extrajudiciall conventicle of Blood, (*Cromwels new Slaughter house*) which hath neither Law, Justice, Conscience, Reason, Presidents or Authority Divine or Humane, but onely the pretended Parliaments irrational Votes and the power of the Sword to maintain it, which will prove a Cittadell over their Liberties, a snare to their Estates, a Deadfall to their lives, and a scandal to their honours and familes, if not timely opposed.

1. *By the Law the Endictment must specifie what the Treason is, and against what Person committed; As against our Soveraign Lord the King, his Crown and Dignity.* But in the said Articles of Impeachment, it is alleaged that the Treason is committed against the present Government, or, against the Keepers of the Liberties of *England*; but in this dead-water our turning Tide between the old Regall, and this new unknown Government; no man knows how to do, look or speak for fear of contracting the guilt of an Interpretative Treason, upon the said two Statutes for New Treasons, and before this boundlesse, lawlesse new Court. And *to say, that Treason is committed against a Government in abstracto, is Non-*

sence:

sence: it must be said that Treason is committed against the Governours in Concreto, naming them. For there being *no Treason without Allegiance*; And *Allegiance being a personall Obligation, must be due from a certain known Person, to a certain known Person, or Persons.* And therefore *the Keepers of the Liberties of England, not being yet made known to us, who they are, or where to be found, or what their power, duty or office is*; *and being not tied by any set Oath to deal well and truly with the People, (as Kings are by their Coronation Oath*; *for if the stipulation be not mutuall, the People are Slaves, not subjects*) since the Duties of Allegiance and Protection, Obedience and Command being reciprocall (as they must needs be, the Parliament having declared the Supreme power to be in the People; they must not govern them *Mero Imperio* (by lawlesse Votes) like Turkish, Tartarian and Russian Slaves. *I cannot owe nor perform Allegiance to those individua vaga (the Keepers or Gaolers of our Liberties)* not to an Utopian Commonwealth. And without Allegiance no Treason: for in all Endictments of High Treason, it must be alledged; *That the accused did (Proditorie) perpetrate such and such Crimes*; *Contra debitam Allegantiam suam.* And the word (*Proditorie*) *signifies the betraying of a Trust:* According to the Proverbe; In Trust, is Treason. *Now where there is no profession of Allegiance, there is no acceptance of a Trust, no man can trust me against my will.* I was born under a Regall Government, have read the Stat. Recognition, 1. Jac. Have taken (as well as others) the Legall Oathes of Allegiance, Obedience and Supremacy to the *King* his *Heires* and *Lawfull Successors*: imposed upon me by lawfull Authority, and from which no power on Earth can absolve me: and so much I at-

test in the Oath of Supremacy. And how I should now come (after the New Moduling of the Parliament and Kingdome by Souldiers) to ow Allegiance to *Cromwell* the Brewer, *Scot* the Brewers Clerk, *Bradshaw* the murderous petty fogger, Sr. *Hen. Mildmay* the Court pander and projector, *Holland* the Linckeboy, *John Trenchard* that packed a Committee (in which he was a Member) and Voted to himself 2000l. *Love* the super-inducted Six Clerk, or any other of that Self-created Authority, let them sheath their swords and tell me.

See the Additione1 Postscript at the Latter end of this Book.

2. *An Endictment must certainly alledge the Offence committed, in respect of the Matter, Time, Place, persons and other circumstances*; But in these Articles of Impeachment they tie themselves to no such certainties; Whereby the Accused knows not at what ward to lie, nor how to make his Defence. The Circumstances of time, place and person, being the assured Testimony of all Humane Actions. This lawlesse Court leaves him in a vast Sea of Troubles, without pole-starre, card or compasse to steer by: The Arbitrary Opinions of this Court, declared upon emergent Occasions, being a falshearted Pilot to him. *These Judges not being of Counsell with the prisoner, as our Legal Judges are, who swear to do Justice according to the Law.*

3. *By the Law, any learned man that is present, may inform the Court; for the benefit of the prisoner, of any thing that may make the proceedings erronious. Cooks 3. Instit. pag.29.* But the whole proceedings of this Court, their meeting and sitting being erronious, here is no room left for admonition, To take away their errours, is to take away the Court.

4. *Cooks*

4. *Cooks* 2. *Inst. p.* 51. expounding the 29. chapter of *Magna Charta*, hath these words. *All Commissions ought to be grounded upon the Law of England* (not upon the Votes of the House of Commons) *and to contain this clause in them. To do what is Just according to the Laws & customs of England*; (not to execute the several powers given them by the Act 26. *March* 1650) and a little further he saith. Against this Antient and Fundamentall Law I finde an Act of Parliament made 11. *Hen. VII. chap.* 3. That as well Justices of Assize as Justices of the Peace, without any finding or presentment by the verdict of twelve men, upon a bare Information for the King before them made, should have full power and Authority by their Discretions, to hear and determine all Offences & Contempts committed, or done by any person or persons, against the Form, Ordinance or effect of any Statute made and not repealed; saving Treason, Murder or Felony. By colour of which Act shaking this Fundamentall Law, it is not credible what horrible Oppressions and Exactions, to the undoing of infinite number of people, were Committed by *Empson* and *Dudley* Justices of the Peace throughout *England*. And upon this unjust and injurious Act, *a new Office was erected (as commonly in like cases it falleth out) and they made Masters of the Kings Forfeitures. (I heare such an other Office will be erected, when the novelty of this wonderfull High Court is lessened, and the yoak thereof throughly setled upon the people necks)* Yet observe the said *Act* 11. *H.* 7. *cap* 3. went not so high as to Treason, Murder, and Felony. But by the *Stat.* 1. *Hen. VIII. chap.* 6. the said *Act* 11. *Hen. VII.* was repealed, and the reason given, For that by force of the said Act it was manifestly known, That many sinister and crafty, forged and feigned Information.

formations had bin pursued against many of the Kings Subjects, to their great dammage and wrongful vexation. The ill successe hereof (saith *Cooke*) and the fearful end of these two Oppressors, (who were Endicted and suffered for High Treason for all the said Acts 11. *Hen.* VII. passed in a full and free Parliament: *Cook.* 3. Instit. pag. 208.) *should admonish Parliaments, That in stead of this Ordinary and pretious Triall by the Law of the Land, they bring not in Absolute and partiall Tryals by discretion.* And in his 4. Instit. p. 41. *Cook* saith, *Let Parliaments leave all Causes to be measured by the golden and streightned wand of the Law, and not the uncertaine and crooked corde of Discretion: for it is not almost credible to foresee, when any Maxime or Fundamental Law of the Land is altered, what dangerous inconveniences will follow; as appears by this unjust and strange Act* 11. Hen. VII. chap. 3.

5. *This Parliament alwayes declared they bore Arms against the King, in Defence of the Laws, Liberties and properties of the people.* This way ran the whole current of their Declarations. *And they alwaies reckoned Magna Charta, the Petition of Right and Trials by Juries, the Chief and most Fundamental of all our Laws. See their* 1 *Remonstrance: Therefore in their* 7. *Article against* Strafford. *They charged him with High Treason, for giving Judgments against mens Estates, without Trials by Juries. Much aggravated by Mr. St.* Johns *in his aforesaid Argument against Strafford.* And for the better preservation of Legall Trials by Juries, it is provided in the Bill of Attainder of *Strafford*, that the case of the same Earle should not be used as a President in succeeding times. *And in two of this Parliaments late Declarations 9 Febr. and 17. March, 1648. The Parliament promiseth.*

To

To preserve and keep the Fundamentall Laws of the Land, for preservation of the lives, Liberties & Properties of the People, with all things incident thereto. Now to erect an Arbitrarie, Lawles High Court, to give Judgement against mens lives & Estates, and attain their blouds, without Enditement found by a Grande Jury, and a Triall by a Jury of 12 *sworn men* vicineto: *is a farr fouler breach of Trust in them against their Soveraign Lords the People, then all they Charged the King withall; and a farr Higher Act of Tyranny and Injustice then either the late King; or Empson and Dudley or Strafford were accused of.* But *if they alleage: They do not put down Juries in Generall, but onely in some particular mens cases, & upon Necessity.* I Answer. *That we are all born Freemen of England alike; That our Auntient known Laws, Lawes Courts and Trialls by Juries are our Inheritance equall alike to all. And one Party or part of the People ought not to be disherited, disfranchised or forejudged no more then another. No man can be said guilty of any Crime untill he be legally convicted & sentenced: the Lawe must first go upon him & condemn him. Vbi lex non distinguit, non est distinguendum. If we do not liveall under one Lawe, and forme of Justice, we are not all of one Common-wealth,* See the afore mentioned Gentlemans Argument, *against the Speciall Commission of the Court of York.* For *Necessity:* Our present power is under none: but the fears and terrors of their own guiltie consciences. No apparence nor probability of any enemy by their own confession: nor can they pleade in their excuse, a Necessity which they have brought upon themselves. I know *some Kings have, de facto, used the Animadversion of the Sword to cut off such powerfull and dangerous Persons as could not safely be called to account by the the Law; so died* Joab, Adoniah, &c. *For which the rule is. Neminem adeo eminere debere, ut Legibus interrogari nequeat: qui Jus*

aquum ferre non potest, in eum vim haud in justam fore. No man ought to advance himself above the powers of the Law: He that will not submit to equall Right, if he be cut off by violence, suffers no wrong: *But this is to be understood of the Eminency and greatnes of the Person, not of the greatnes of the Crime; whereof no man is to be forejudged; because a great Crime may prove a great Calumny, untill a Legall Triall have adjudged it.* But there is no Person in England so eminent for power or Authoritie, but that the least of *Bradshaws* Ban-dogs can drive him to the Slaughter-house, and make him offer his throat to *Keeble*. Therefore *Animadversio Gladii*, if at any time lawfull, is now unlawfull. *To make great examples, upon men of little power, is great Injustice.* But the way of this Court is not *Animadversio per Gladium.* It is a Mocking, a Counterfeiting, an Adulterating and Alchimisting of Justice: it is to falsifie her waights and Ballance, and steal her Sword to Commit Murder withall.

See Col. Andrews 3 Answers.

6. *By the knowne Lawes Matter of Fact is entrusted to the Jury; Matter of Law to the Judges; to prevent all Errors, Combinations and* Partiallities. *The Judges are sworn to do Justice according to the Lawe; The Jury are sworne to finde according to their* Evidence. But in this High Court the Commissioners or Judges are all packed, Confiding men, chosen by and out of one Party, to destroy all of a different Party. *They usurp the Office of Judges not being sworn to deal well and lawfully with the* People (*as by the said* Stat. 18. Edw. III.) *nor to do Justice according to the Lawe. But onely to execute powers given by the said* Act 26. March 1650. *And they arrogate (as Jury-men) to be Triers of the Fact, without being sworn, To find according to* Evidence. *So that they are Judges, Juries and* Parties, *and (for ease of their tender Consciences (without any Oath of Indifferencie.*

A most

A most excellent Compendium of Oppression. They may go to the Devil for Injustice, and not be forsworn. Great is the Privilege of the Godly.

7. *The Prisoner may except against his Furers, either against the Array, if the Sheriff or Baily impannelling the Fury, be not wholly disingaged and Indifferent; both to the cause, and to the Parties, Prosecuting and Prosecuted. Or against the Poll, he may Challenge 35 peremptorily; and as many more as he can render Legal Cause of Challenge for.* As for *defect of Estate*, or other *Abilities*, or for *Partiality, Disaffection, Engagement, Infamy*. But this *Array* of Jury-men-Judges (*A* Medley so new we knowe not how to expresse it) though picked and empannelled by an Engaged Remainder of the Commons, and obnoxious to all exceptions, must not be challenged, their backs are too much galled to endure the least touch. *Take heed you scandall not the Court* (*cries* Master *Atturney*) See Col. *Andrewes* 3 *Answeres*.

8. *Many Exceptions in a Legall Triall, are allowed against Imperfections, Uncertainties and Illegallities in the Bill of Enditement, for the advantage of the Prisoner.* But no Exceptions are allowed against these Illegal *Articles* of Impeachement; which are made uncertain, intricate, obscure and ambiguous purposely to pusle, confound, and entangle the Respondent.

9. *By the Lawe a Bill of Enditement must have two full and cleere lawfull witnesses to every considerable Matter of Fact; both at finding the Bill and at the Triall.* Cookes 3. Instit. pag. 25. 26. *And Probationes debent esse luce clariores.* Proofes must be as cleere as the Sun; *not grounded upon Inferences, Presumptions, Probabilities.* And the Prisoner must be *Provablement Attainte*, saith the Stat. 25. Ed. III. chap. 2. Cookes 3. Instit. pag. 12. *The word*

VVhere there is but one witnes, It shall be tried by combat before the Earle Martial Cook ibidem.

(Atteinted) shews he must be legally proceeded with: not by absolute power as formerly had bin used (and as is now used by this bloudy High Court) But before these Slaughter-men of the High Court, all manner of witnesses, Legal or Illegal, one or two, sworn or not sworn, or apparently forsworn and suborned, and all proofes cleere or not cleere are sufficient. The Prisoner is sent thither fore-doomed, and hath his deaths Marck, his fate in his forehead.

10. *The said Act* 26. March 1650. *Carries two faces under one hood; and looks backwards as well as forewards. To facts Precedent as well as Subsequent the said Act*, Contrary to the Nature of all Laws, whose Office is *to prohibite before it punish, to warn before it strike.* Where St. Paul defineth *Sinne to be The breach of Commandement, or Law. I had not known Sinne but by the Lawe.* The Law must therefore be precedent to the Offence. But these Acts are not *Laws to admonish*, but *Lime-twigges and Trappes to ensnare* and Catch men. See Col. Andrewes 3. Answers at the latter end of this Book.

Fourthly, and lastly I am to consider. *To what end and purpose this New invented High Court is constituted and appointed:* Concerning which see a Letter dated 6. June 1650. *Stilo veteri*, from the Hague, (supposed to be *Walter Strick-lands, the Parliaments Agent there*) as I finde it in *Walter Frostes* Brief Relations of some Affairs and Transactions, &c. from Tuesday June 11. to June 18. 1650. wherein the Epistoler hath these words. *One peece of the cure* (viz: of the daungers that threaten your New State) *must be Phlebotomy*, but then you must begin before Decumbency, and then it will be facile to prevent danger, &c. They are here most of all affraid of your High Court of Justice, which they doubt

doubt may much discourage their party, they wish you would not renewe the power thereof, but let it expire: then they think that after Michilmas they may expect Assistance with you. And indeed that Court is of almost as much use to you as an Army: and will prevent the rising of as many Enemies, as the other will destroy, onely you must be sure to execute Justice there with all Severity. A few of the first stirrers taken away by the power thereof, without respect to cousen or Countrey will keep all the rest quiet. But *whosoever that Court condemns, let them be as already dead*, &c. But *let them be most free in cutting the vena Cæphalica (that is the Presbyterian Party) for the Basilica* (or Royal Party) will be latent. *The Median* (or levellors) would be spared as much as may be, that the body be not too much emaciated. Besides the bloud is most corrupt in the *Cœphaliks (or Presbyterians)* and is the very *causa continens* of your disease, You need not fear to take freely of this vein, &c. Heere you see this State-Mountebancke gives you the use and Application of this corrasive. (The High Shambles of Justice) so fully that I shall not need to comment upon it. And in the latter end of a Letter from *Cromwell*, dated from Dunbar 4. September 1650. (as I finde it *in Politicus*) speaking of his new purchased victory over the Scots. *Cromwell* saith; *God puts it more and more into your hands to improve your power*, (viz. your absolute Authority) *wee pray own his People more and more*, (that is; The Army) *they are the Chariots and Horsmen of Israel* (of the Kingdom of the Saints) *disowne your selves but owne your Authority* (which you enjoy under the Protection of the Army, your Lords Paramounte) *and improve it; to Curbe the Proud and the Insolent*, &c. (That is all men of

different Opinions and Parties from them; that will not engage to be true and owe *A*llegeance to the Kingdom of the Saints, and resigne their Lawes, Liberties and properties to their lusts and wills) That I have not misconstrued the contents of *Cromwells* mistical Letter will appear by *a Discourse in the same Politicus* Numb. 17. from Thursday September 26. to October 3. 1650. Where (according to his Custom) delivering forth State Oracles to the people: He tells them in plaine English. *That after the Confusions of a Civill warr, there is a Necessity of some settlement, and it can not in reason, be imagined, (the Controversy being determined by the sword) that the Conquerers should submit to the conquered,* though more in number then themselves. *Nor are they obliged to settle the Government again according to the former Laws; and Constitutions, but may erect such a form as they themselves conceive most convenient for their own preservation. For after a Civil war the written Laws (viz. established Laws of the Nation) are of no force, but onely those which are not written.* (*A*nd a little after) The King having by Right of war, lost his share and interest in *A*uthority, and power, being conquered, *by Right of war the whole must needs reside in that part of the People which prevailed over him:* There being no middle power to make any claim, and so *the whole Right of Kingly Authority in England being by Military Decision resolved into the prevailing Party, what Government soever it pleaseth them to erect, is as valide de Jure, as if it had the consent of the whole Body of the People.* That he should affirm That after a Civil war the Established Lawes cease: is so grosse a piece of Ignorance, that there is hardly any History extant but confutes it; After our Barons warr and the Civil warr between *York* and *Lancaster*, Our Established

Lawes

Laws flouriſhed; ſo did they after the Norman Conqueſt. How many Civill Warrs in France have left their Lawes untouched? That of the Holy League laſted 40 years, *Belgia* keeps her Lawes maugre her inteſtine Warrs: What is now become of the Parliaments declared Supream power and Soveraigne Lord the People, the Originall and Fountain of all Iuſt power? are they not all here proclaimed Ear-bored ſlaves for ever? But I had thought that an Army of Mercinary Saints raiſed, payed and commiſſioned by the Parliament to defend the Religion, Lawes, Liberties and Properties of the People; and the Kings Crown and Dignitie, according to the Proteſtation and Covenant: and the Parliaments Declarations, would not have made ſuch Carnal and Hypocriticall uſe of their Victories gotten by Gods Providence and the Peoples Money, as to deſtroy our known Laws, Liberties, and Properties, and claim by Conqueſt, and impoſe their own luſts, for Laws upon us, Thereby rendering themſelves Rebells againſt their God, their King and Countrey. Nor was it ever the State of the Quarrell between the King and Parliament whoſe Slaves the People ſhould be? Or whether we ſhould have one King, Governing by the known, eſtabliſhed Lawes? or 40 Tyrants Governing by their owne luſts and Arbitrary votes, againſt our written Lawes? Nor can the ſucceſſe make a Conqueſt juſt, unleſs the cauſe of the warr were Originally juſt, and the proſecution thereof juſtly managed. As 1. To *vindicate* a Juſt Claim and Title. 2. *Ad res repetendas.* To recover Dammages wrongfully ſuſtained. 3. To repell an Injury done to your ſelf, or to your Ally in league with you.

The ultimate end of theſe wicked Endeavours is, To

To establish and cement with the bloud of their Adversaries, the Kingdom of the Brambles or Saints; already founded in bloud. By cutting off all such by their said New Acts of Treason and High Court of Justice, as will not bow their Necks to their Iron yoake. Which appears more cleerely in an *Additionall Act giving farther power to the said High Court*, (dated 27. Aug. 1650.) *To hear and determine all Misprisions or concealments of Treasons* mentioned or contained in any of the said Articles or Acts of Parliaments: And to inflict such punishments and award such execution, as by the Lawes and Statutes have bin, or may be, inflicted. *This Lawe (if I miscall it not) considering how they have multiplied Treasons by their said 3 New Statutes*, 14. May. 17. July 1649. *and* 26 March 1650. *Whereby bare words without Act are made High Treason; Contrarie to those well approved Statutes.* 25. Ed. III. chap. 2. 1. Hen. IV. chap. 10. 1. Edw. VI. chap. 12. I. Mariæ chap. 1. Cooke 3. Instit. saith, *That words may make an Heretique, not a Traitor*, Chap. High Treason. *And the Scripture denounceth a wo to him*; *That maketh a man an Offender for a word) is one of the cruelst, and most generally dangerous and entrapping that ever was made. For hereby all Relations; Husband and Wife; Parents and Children; Brothers and Sisters, Masters and Servants are all injoyned to be informers against, and Accusors of one another (which is to take upon them the Devils Office (and be, Accusatores Fratrum) for light and vain words spoken onely in Passion or ignorantly: or else they fall into the Fawes of this alldevouring Court* (from whence, no more then from Hell, there is no Redemption) *for Misprision of Treason: the Penaltie whereof is losse of Libertie and Lands for life; and of Goods for ever,*

Who

Who can imagine lesse heerby, but that *our Statistes intend to raise a yearly revenue by this Court, by Forfeitures and Confiscations: and to erect an Office of Master of the States Forfeitures: like Empsons and Dudleis in* Hen. VII. *time aforesaid.* And so continue this Court, to weede out the Auntient Inhabitants *Cananites* and *Amalechites.* The said Additional Act, 27. Aug. 1650. concludes, That the said High Court shall not examine, Try or proceed against any Person other then such as shall be first by name appointed by the Parliament or Counsel of State. It should seem the Parliament and Counsel of State supply the want of a Grand Enquest; and their Appointment is in stead of a Bill of Enditement found and presented. *As assuredly as The High Inquisition was erected in Spain by Firdinando and Isabella to extirpate the Mahometan Moors: And the said Councel of Bloud in the Lowe Countries, by the Duke D'Alva to weed out the Lutherans, Calvinistes and Anabaptistes. So is this High Court set up in England to root out the Royallistes, Presbyterians and Levellors; and generally all that will not wholly concurre with our Independents in Practise and Opinions.* As will manifestly appear when their work is don in Scotland, which will soon be effected: the more zealous Scots being now as ready to sell their Kingdom; as they weare formerly to sell their King.

10. Dec. 1650. a New ... for establishing an High Court of Justice in Norfolk, Suffolk, Huntington, Cambridge, Lincoln and the Isle of Ely, &c. And so by degrees this gangrene shall enlarge it self all the Kingdom over.

I Conclude therefore upon the Reasons aforesaid; That becaus the Commissioners or Judges are not sworn to do Justice according to the Lawes: And are Parties pre-in-gaged (as well as their Masters, and Pay-Masters, that named them) ignorant men, and of vild and base professions uncapable of places of Judicature, Necessitous Persons, and some of them Scandalous; and the High Court it self hath neither Law, President, nor any

just Authority for Constituting thereof or the Judges therein. And all proceedings before them are directly Contrary to *Magna Charta*, the Statut. 25. Edw. III. chap. 2. The Petition of Right and all other known and Established Laws, and the continual Practise of our Nation; and (in many Points (Contrary to the Law of God and the Dictates of Right Reason. *That these Commissioners are Incompetent Judges; Their Court an Extrajudicial Conventicle, tending to disinherite, disfranchise and enslave all the Free-men of the Nation; and all Proceedings before them are void and Coram non Judice,* See Col, Andrews. 3. Answers, The said High Court of Justice to be a meer bloudy Theater of Murder and Oppression. It being against Common Reason, and all Laws Divine and Humane, That any man should be Judge in his own Cause. *Neminem posse in sua Causa Judicem esse.* Is the Rule in Law. *But this Parliament and Counsell of State know they can not establish and confirm their usurped Tyrannie, (The Kingdom of the Saints,) eate up the People with Taxes, and share Publike Lands, Offices and Mony amongst themselves: enslave the Nation to their Lawles wills and Pleasures, but by cutting off the most able and active men of all opposite Parties by som such expedient as this Arbitrary Lawlesse High Court is. The old Legall way by Juries (being found by John Lilbourns Triall) to be neither sure enough nor speedy enough to do their work. A Butcher-Rowe of Judges being easier packed, then a Jury who may be challenged. So that it fareth with the People of England, as with a Traviler fallen into the hands of Theeves. First they take away his Purse, And then, to secure themselves, they take away his life. So they Robbe him by Providence, And then Murder him by Necesfity. And (to bring in their Third Insisting Principle) they may al-*

alleage; They did all this upon Honest Intentions; to enrich the Saints and robb the Egiptians. With these 3. Principles they Justify all their Villanies. Which is an Invention so meerely their own, That the Devil must acknowledge: They have propagated his Kingdome of Sinne and Death more by their Impudent Justifications, then by their Turbulent Actions.

An Additional Postscript.

SInce the Conclusion of the Premises hath happened, the Trial of that worthy Knight Sr. *John Stowell* of the County of *Sommerset*: Who having bin often before this Court, hath so well defended himself, and wiped off all Objections, and made such good use of the Articles of the Rendition of Excester, that in the Opinion of all men, and in despite of their ensnaring Acts for New Treasons, he can not be adjudged guilty of any Treason, Old or New, which was the Summe and Complement of the Charge against him. Wherefore the Court put off his Trial for a longer time, to hunt for New Crimes and witnesses against him. At last came into the Court as a witnes *John Ashe*, notwithstanding he is a Party many waies engaged against him. 1. *Ashe* is a Parliament man; in which capacity Sr. *John Stowell* bore Armes for the King against him. 2ly. *Ashe* as a Parliament man is one of the constitutors of this Murderous Court and the Judges thereof, and therefore their Creatures (who expect rewards from them) beare a more awfull respect to his testimony, then a witnes ought to have from Judges. 3ly. It is publickly known that *Ashe* hath

begged of the Houſe a great ſumme of mony out of the Compoſition for, or Confiſcation of Sr. *Johns* Eſtate. And 4ly. It is known to many That during Sr. *Johns* many years Impriſonment *Aſhe* often labour'd with Sr. *John* to ſell unto him for 4000l. a Parcel of Land which coſt Sr. *John* above 10000l. promiſing him to paſſe his Compoſition at an eaſy rate, to procure his enlargement from priſon, and ſend him home in peace and quiet if he granted his deſire. But although with all their malitious diligence, they cannot finde him guilty of High Treaſon, yet their Articles of Impeachment Charge him in general Tearms with Treaſon, Murder, Felony and other High Crimes and Miſdemeaners; and amaſſe together ſuch a Sozites and and Accumulation of Offences as, if one fail, another ſhall hit right to make him punniſhable in one kinde or other: ſuch a hailſhot charge cannot wholly miſſe; either they will have life, eſtate, or both; Contrary to the Nature of all Enditements and Criminall Charges whatſoever; which ought to be particular, cleere and certain (Lamb: pag. 487) that the accuſed may knowe for what Crime he puts himſelf upon Iſſue, But this Court (as High as it is) not being Conſtituted a Court of Recorde; the Priſoner, and thoſe that are concerned in him, can have no Recorde to reſorte to either. 1. To demande a writ of Error, in Caſe of Erronious Judgement. 2. To ground a plea of Auterfois Acquite, in Caſe of New Queſtion for the ſame fact. 3ly. Or to demande an Enlargement upon Acquitall. or 4ly. To demand a writ of conſpiracy, againſt ſuch as have combined to betray the life of an Innocent man. Whereby it followes; That this prodigious Court hath power onely to Condemne and Execute; not to Acquite

and

and give Enlargement; Contrary to the Nature of all Courtes of Iudicature, and of Iustice it self: it is therefore a meer *Slaughter-house* to Commit Free-State Murders in, without, nay against Law and Iustice: and not a Court of Iudicature; to condemne the *Nocent*, and absolve the *Innocent*. And the Iudges of this Court runne Paralell with their Father the Devill; who is ever the Minister of Gods wrath and fury; never of his Mercy.

The humble Answer of Col. Eusebius Andrewes Esquier, to the Proceedings against him before the Honourable, The high Court of Justice 1650.

THe said Respondent (with favour of this Honourable Court) reserving and praying to be allowed, the benefit & Liberty of making farther Answer, if it shall be adjudged necessary, offereth to his Honorable Court.

That by the Stat. or Charter stiled *Magna Charta*, (which is the Fundamentall Law, and ought to be the Standard of the Laws of England, Confirmed above 30 times, and yet unrepealed, it is in the 29 Chapter thereof graunted and enacted.

1. *That no Free-man shall be taken or imprisoned, or be disseised of his Freehold or Liberties, or Free Customes; or be outlawed or exiled, or any other wayes destroyed, Nor we shall not passe upon him, but by a lawfull Judgement of his Peers, or by the Law of the Land.*
2. *We shall sell to no man, nor deserve to any man Justice or Right.*

By the Stat. 42. Ed. III. chap. III. The Great Charter is commanded to be kept in all Points: and it is enacted.

That if any Stat. be made to the Contrary, That shall be holden for none.

By the Act 26. March 1650. entituled, An Act for Establishing, An High Court of Justice. *Power is given to this Court; To Try, Condemne and Cause Execution of death to be done, upon the Freemen of England, according as the Major Number of any 12. of the Members thereof shall Judge to appertein to Justice.*

And

And thereupon the Respondent doth humbly inferre, and affirme, that *the Tenor of the said Act is diametrically opposite to, and inconsistent with the said Great Charter.* And is therefore by the said recited Stat. 42. Ed. III. to be holden for none.

Secondly, That it can with no more Reason, Equity or Iustice, hold the reputation or value of a Law, (if the said Stat. had not bin) then if (contrary to the 2d. Clause of the 29. chap. of *Magna Charta*) it had bin also enacted, *That Justice and Right shall be deferred to all Freemen and sould to all that will buy it.*

By the Petition of Right, 3o. Car: upon premising: That contrary to the Great Charter, Trials and Executions had bin had and don against the Subjects, by Commissions Martial, &c. it was thereby praied, and by Commission enacted. That:

1. *No Commissions of the like nature might be thenceforth issued*, &c.

2. *To prevent least any of the Subjects should be put to death, Contrary to the Laws and Franchises of the Land.*

The Respondent heereupon Humbly observeth; and affirmeth: *That this Court is (though under a different stile) in nature, and in the Proceedings thereby directed, the same with a Commission Martiall.* The Free-men thereby being to be tried for life, and *adjudged by the Opinion of the Major Number of the Commissioners sitting, as in Courtes of Commissioners Martiall was practised*; & was agreeable to their Constitution: *And consequently against the Petition of Right:* in which he, & all the Freemen of England (if it be granted there be any such) hath and have Right and Intereſt, and he humbly claimes his Right accordingly.

By the Declarations of this Parliament, Dec. 15. & Jan. 17. 1641. The benefit of the Laws, and the ordinary Course of Justice are the Subjects Birthright.

By

By the Declarations 12. Iuly 16. Octob. 1648. *The profecution of the Laws, and due administration of Iustice, are owned to be the justifying cause of the war, and the end of the Parliaments Affaires managed by their Swords and Counsells, and Gods curse is by them imprecated, in case they should ever decline those ends.*

By the Declaration 17. Aprill 1646. Promise was made not to interrupt the Course of Iustice, in the ordinary Courts.

By the Ordinance or Votes of Non-addresses, Ian. 1648. It is assured, *That, though they lay aside the King; yet they will govern by the Laws, and not interrupt the course of Iustice, in the ordinary Courts thereof.**

And therefore this Respondent humbly averreth and affirmeth, That *the constitution of this Court, is a breach of the Publike Faith of the Parliament exhibited and pledged in those Declarations and Votes to the Freemen of England.*

And upon the whole matter, the Respondent (saving as aforesaid) doth affirme for Law and claimeth as is Right. *That*:

1. This Court in defect of the validity of the said Act, by which it is constituted, hath no power to proceed against him, or to presse him to a further Answer.
2. That by virtue of *Magna Charta*, the Petition of Right, & the before recited Declarations, he ought not to be proceeded against in this Court; but by an ordinary Court of Iustice, and to be tried by his Peers.

* They forget the 2. Declarations 9. Febr. 17. March 1648.

And humbly prayeth: That this his present Answer and *Salvo* may be accepted and registred.

Eusebius Andrewes.

I The

The Second Answer of Col. *Eusebius Andrews* Esquire, To the Honorable, The High Court of Iustice. 1650.

THe said Respondent (with the Favour of this Honorable Court) reserving and praying to be allowed the Benefit, and Liberty of making further Answer, if it shal be Necessary. In all humblenesse for the present Answer offereth to this Honorable Court.

That by the Letter and genuine sense of the Act entituled An Act for establishing an High Court of Justice. *The said Court is not qualified to try a Freeman of* England (such as the Respondent averreth himself to be) *for life in Case of Treason.* For that: 1. *The said Court is not Constituted a Court of Record; neither hath Commission returnable into a Court of Record.* So that: 1. *The State cannot upon Record* (and but upon Record cannot at all) *have that Account of their Freemen, which Kings were wont to have of their Subjects, and States exact elsewhere at the hands of their Ministers of Justice.*

2. *The Freemen, and those who are or may be concerned in him, can have no Record to resort to, by which to preserve the Rights due to him and them respectively.* viz.

1. *A writ of Errour* in case of erronious Judgment.
2. *A plea of Auterfoies acquit*, in case of new question for the same fact.
3. *An Enlargement* upon Acquitall.
4. *A Writ of Conspiracy*, not to be brought untill Acquitall, against those who have practised to betray the life of the Respondent.

1. *The Writ of Errour is due by presidents.*
Paschæ 39. Ed. III. John of Gaunts Case Rot. Parliament. 4. Ed. III. Num. 13. Count de Arundells Case. Rot. Parliament 42. Ed. III. Num. 23. Sr. *John* of *Lees* Case.

2. *Auterfois acquit* appears by:
Wetherell and *Darleis* Case. 4. Rep. 43. *Eliz. Vaux* his Case. 4. Rep. 33. *Eliz.*

3. *The Enlargement* appears by:
Stat. 14. *Hen.* VI. chap. 1. Diers Reports fol. 121. The year book of Ed. IV. 10. fol. 19.

4. *The writ of Conspiracy*, by:
The Poulters Case. 9, Rep. fol. 55.

This Court is to determine at a day; without account of their proceedings, and have power to try, judge, and cause Execution: but not to acquit or give Enlargement. So that the nocent are thereby punishable; the injured & betrayed not vindicable. Which are defects incompatible with a Court of Justice, and inconsistent with Justice it self; and the honor of a Christian Nation and Common-wealth.

2. *The members of this Court, are by the said Act directed to be sworn.*

1. *Not in Conspectu populi*; for the Freemans satisfaction.

2. *Not in words of Indifferency* and obliging in equality.

3. *But in words of manifest partiality*, viz.

You shall swear; That you shall well and truly, according to the best of your skill and knowledge, *execute the severall powers given you by this Act.*

1. *If the Court be Triers and Judges too, it is humbly offered by the respondent, that it is but reasonable; that they should be sworn as Triers; in the sight of the Freeman who shall be upon his Triall.*

2. *And, That as Justices of Oyer and Terminer* (They being authorised to hear and determine by the words of the Act. *They should take an oath, such as is usual & equal, set down* E. III

Viz: *You shall sweare, That well and lawfully you shall serve our Lord the King, and his People in the Office of Iustice, &c. And that you deny to no man Common Right.*

3. Or that this Court (taking Notice of such high matters as Treason, upon the guilt wherof the Freemens life depends) should take an Oath (at least) as equall as a Iustice of the Peace. *Daltons Iust. of Peace, fol.* 13. the words are.

I A. B. do sweare that I will do equall Right, &c. *according to my best wit, cunning and power, after the Laws and Customes of the Land, and the Statutes thereof made*, &c.

4. If the Court will be Judges and Triers too: (for they have power given them to conclude the Freemen, by the opinion of the major number of twelve, holding some resemblance (but with a signall difference) with the verdict of a Jury) it were but reasonable that they should take an Oath correspondent to that usually administred to Iury-men. The words are,

You shall *well and truly try, and true deliverance make, betweene the Keepers of the Liberties of England, and the Prisoner at the Bar, according to your Evidence.* So help you God, &c.

5. When this Court (as it is now constituted) hath condemned a Freeman, by applying their skill and knowledge to the power given them, whether justly or not: the Oath injoyned them by the Act 26. March 1650. is not broken, literally; as to be exactible by man, though God will have a better account.

And therefore upon the whole matter premised: The Respondent (saving as before) averreth for Law and Reason; This Court by the words of the Act constituting it; is not qualified, (in respect of the objected defects) to passe upon him for life in case of Treason. And praies this his 2d. Answer may be received, with the *Salvo's*, and registred.

Eusebius Andrewes.

The third Answer of Col. *Eusebius Andrews* Esquire, to the Honorable, The High Court of Justice 1650.

THe said Respondent (with favour of this Honourable Court) reserving and praying to be allowed the benefit and Liberty of making farther Answer, if it shall be necessary, in all humbleness for present Answer offereth to this Honorable Court,

1. That it is his Right (if he admit this Court to be duly and legally established, and constituted as to their being a Court) to be tried by his Peeres; men of his own condition and Neighbourhood.

2. *That it is within the power of this Court, by the Letter of the Act* 26. March 1650. *Or (at least) not repugnant to the Act; to try him by such his Peeres*, &c.

1. *That it is his Right to be tried only so*, appeares by:

Magna Charta chap. 29.	25. Ed. 1. chap. 1. and 2.
25. Ed. 3. chap. 9.	25. Ed. 3. chap. 2. and 4.
28. Ed. 3. chap. 4.	37. Ed. 3. chap. 18.
42. Ed. 3. chap. 3.	

By all which this Right is maintainable; *And the Proceedings contrary thereunto will be held for none, and to be redressed as void and erronious.*

So that if the Lawes and Courts were not obstructed in the cases of some sort of Freemen of England, the whole proceedings contrary to these Lawes without a Jury of his Peeres, were avoidable and reversable by Writ of Error, as appeares by the Presidents vouched in the Respondents 2d. Answer.

3. That it is in the Courts power, To try the Freeman, and consequently the Respondent by a Jury, of his Equalls; The Court is humbly desired to consider the words of qualification.

1. *The Court is authorised; To hear and Determine: and so* (if at all Commissioners) *then Commissioners of Oyer and Terminer, and such Commissioners, in their naturall Constitution and practicall execution, do proceeed against Freemen according to Law, by a Jury of their Peeres*, and not otherwise.

2. *Authorised to proceed to Triall, Condemnation and Execution: But not restrained to the manner limitative:* As, *to Triall by the Opinion of the Court, as Triers.* Nor *exclusive*, As, *to Triall per pares. But is left in the Manner, as in the Judgement it self, To the Opinion of the major part of* 12. *and if they shall think fit to try by a Jury, it will be no offence against the Act, there being no prohibition to the contrary.*

And though this Respondent insisteth upon his said Right, consisting with the Courts said power, and the more to induce the Court to grant him his said Right; *He humbly representeth the wrong done to himself, and in him to the Freemanzy of England in the following particulars, against their just Rights depending upon such Trialls to be allowed or denied.*

1. *Challenges to his Triers peremptory, or with cause of Challenge.*

2. *Seeing, hearing, and Counter-questioning the witnesses* for clearing of the Evidence; in *matter of Fact* and *Circumstance.*

3. *The being convicted or acquitted by a Full and fully consented verdict.*

To all which benefits as his undoubted Right, and the Right of all the Freemen of *England*, the Respondent maketh claim by these Reasons, Laws and Presidents following.

1. The

1. *The benefit of Challenges by the learning of Stanford* in his Pleas of the Crown, Title Challenge fol. 150. To Challenge 35. without Reason shewed; and with Reason shewen, without Number Adjudged 32. Hen. VI. in *Poinings* case, abriged by Fitzherb. Tit. Challenge, fol. 26. allowed in Hillary 1. Iac. Si. *Walter Rawley* and *Brooks*.

2. *To the hearing and questioning the value and weight of the witnesses.* The Laws are plain in *Stanfords* pleas of the Crown fol. 163. 164. Stat. 1. and 2. of Phil. and Mary, Chap. 10, 11. 1 Ed. VI. chap. 12. Cookes 3. Institut. pag. 12. upon the words in the St. 25. Ed. III. chap. 2. (Provablement atteint) *Because the punishment was heavy, the proof must be punctuall, and not upon presumptions or Inferences or streins of wit, nor upon Arguments simili, or Minori ad Majus, &c.* But upon good and clear proofs, made good also by the Stat. 1. Ed. c. 6. 19. Ed c. 1.

3. *A verdict by Jury passeth from all, or not at all, In this way of proceeding by the Court immediatly: it passeth by way of concurrence (or voting) the great fault found with the Star-Chamber; and all Commissionary Courts, proceeding without presentment or or Enditement.*

4. *A Verdict passeth from a Jury before discharged, upon their Affairs of busines, or supplies of Nature; to prevent corruption by mony or power. In this way of Triall a man may be heard to day, and a Sentence given at leasure, when the power and will of those by whom the Freeman is prosecuted, be first known.* And from such a proceeding this Respondent can hope little equality; he being (to his knowledge) forejudged already by them.

And therefore (if at all this Honourable Court think fit to proceed to a Triall, of this Respondent) he claims the Benefit of *Triall per pares: by Evidence viva voce.* And rests on the Opinion of the Court; saving (as formerly) Liberty of farther Answer, if over ruled.

And prayes that this his Answer and Salvos may be accepted and Registred.

Eusebius Andrews.

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